



TOWN OF MELBOURNE BEACH

TOWN COMMISSION REGULAR MEETING

JUNE 15, 2022

AGENDA PACKET

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Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
JUNE 15, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

PUBLIC NOTICE
AGENDA

**The Town Commission will conduct a Regular Town Commission Meeting
on Wednesday, June 15, 2022, in the Community Center
to address the items below**

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Interim Town Clerk Amber Brown

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. 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.

5. Approval of the Agenda

6. Presentation

7. Consent Agenda

- A. Approval of Special Town Commission Meeting minutes for June 1, 2022
- B. Approval of Regular Town Commission Meeting minutes for May 18, 2022
- C. Approval of Regular Town Commission Meeting minutes for April 20, 2022
- D. Approval of the site plan for 309 Fifth Ave
- E. Approval of the site plan for 527 Sunset Blvd

8. Old Business

- A. Discussion on Brevard County's Code of Ordinances allowing a second kitchen for single-family residences

9. New Business

- A. Discussion on a beachfront dog park
- B. Consideration of the updated Interlocal agreement with Indialantic for fire-rescue dispatch services
- C. Discussion on revisions to the landscape and tree ordinance
- D. Consideration to close Town Hall at noon on Friday, July 1st.
- E. Consideration of a Tourism Lagoon Project Grant
- F. Consideration and approval of Ordinance 2022-01 on low-speed vehicles

10. 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

11. Town Commission Comments

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

12. Adjournment

Town of Melbourne Beach
SPECIAL TOWN COMMISSION MEETING
WEDNESDAY, JUNE 1, 2022, at 6:00 p.m.
COMMUNITY CENTER, 509 OCEAN AVENUE

DRAFT MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Appointed Conflict Counsel Morris Richardson
Interim Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Interim Town Clerk Amber Brown conducted Roll Call

Commission Members Present

Mayor Wyatt Hoover

Vice Mayor Joyce Barton

Commissioner Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Commission Members Absent

None

Staff Members:

Town Manager Elizabeth Mascaro

Town Appointed Conflict Counsel Morris Richardson

Interim Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. 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.

***Ali Dennington
413 Surf Rd***

Ali Dennington stated she has to file a trial brief within thirty days and although she believes the Commission should amend the Code. The only thing that could stop this from going forward to a full trial would be a consent decree. There is some language that is part of her case that is used in lots of other parts of the Code, so there's a risk that judicial interpretation could have a lot broader implications.

5. Attorney-Client Session

Mayor Wyatt Hoover stated the expected time of the Attorney-Client Session is one hour or less.

Attorney Morris Richardson stated at the end of the session the open public meeting with reconvene and the Mayor will announce the termination of the Attorney-Client Session, but there is nothing else on the agenda after that other than adjournment.

Attorney Morris Richardson stated to clear the room other than the individuals authorized to be there which are the Mayor, Vice Mayor, Commissioners, Town Manager, Attorney Morris Richardson, and the Court Reporter.

Everyone other than the authorized individuals left the building.

6. Termination of Attorney-Client Session

Mayor Wyatt Hoover reconvened the public meeting after the termination of the Attorney-Client Session.

Commissioner Corey Runte was no longer present.

7. Adjournment

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

Meeting adjourned at 6:55 p.m.

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
MAY 18, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

DRAFT MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Interim Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Commission Members Absent

None

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. 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.

***Jude Wilson
526 Sunset***

Jude Wilson stated she was here for two reasons. She wanted to congratulate the Firefighters that are graduating this evening. She stated her husband started the class with them but had to postpone it due to health reasons. The second reason is to provide the Commission with pictures from Sunset Blvd after the last rain. The first picture is the view from her garage looking across the street. She stated it shows the cut is overflowing because the median is filled with plants and other materials. The second picture is of a drain showing it is full. She requested the project that has already started at Riverside be continued to remove the curb and stuff in the median all the way to Pine Street, so this will no longer be a problem

***Ali Dennington
413 Surf Rd***

Ali Dennington asked where she can find the backup documentation for the audit.

Mayor Wyatt Hoover stated the Town staff can provide that to her.

Ali Dennington stated she has requested whatever information was sent to the auditor.

5. Approval of the Agenda

Commissioner Corey Runte moved to approve the Agenda; Commissioner Marivi Walker seconded; Motion carried 5-0.

6. Presentation

A. Fiscal Year 2021 Financial Audit presented by James Moore

Zach Chalifour partner of James Moore reviewed the Town Audit and explained there are four reports that they issue that summarize the results of the audit. The first report is an unmodified independent auditors' report on the financial statements. The second report is on internal control and compliance. Zach stated there were two comments that were classified as significant deficiencies. He explained the difference between significant deficiencies which are second-tier comments/recommendations, and the most significant deficiencies are material weaknesses which there were none. The first comment was related to any adjustments required to correct account balances due to cutoff issues. The second comment is related to the timeliness of bank reconciliations. It is recommended that bank reconciliations be done within thirty days after the end of the month and some months were a little longer than that. The third report goes over prior audit findings and the follow-up. The last report is looking at the Town's compliance with state statutes regarding investment activity and policies, and they found the Town to be in compliance with that. Zach reviewed some of the financial statements.

Further discussion ensued

B. Presentation from Drown Zero International presented by Melbourne Beach Rotary Club and Cocoa Beach Rotary Club

Alan Ross from the Melbourne Beach Rotary Club and Marcin Kubiack from the Cocoa Beach Rotary Club presented Drown Zero International. The Rotary Clubs would like the Town to consider allowing Rotary to fund, install, and maintain Drown Zero life rescue stations at all eleven public beach accesses within the Town. Drown Zero Stations are a physical structure to assist with life-saving efforts.

Further discussion ensued

Paula Panton
809 Riverside Rd

Paula Panton stated she owns a water safety products company that supplies lifeguard equipment all over the world. She stated no one should ever try to rescue someone without some type of device. She explained the life ring is the

most recognizable piece of rescue equipment that the general public recognizes and each one can assist three maybe four people to hang onto. Paula stated this is a great idea.

Steve Stewart
305 Fourth Ave

Steve Stewart asked if the life rings would be out there twenty-four seven.

Marcin Kubiack stated yes, the entire station would always be there. The life ring would always be there unless it was used or stolen which at that point it would be replaced.

Jason Hanson
241 Woody Circle

Jason Hanson asked if there was a reason there isn't a line on the life ring to encourage people to throw it rather than going into the water.

Wyatt Werneth, who is working with both Rotary Clubs, stated entanglement issues become a big problem.

Dan Brunger
400 Sixth Ave

Dan Brunger stated this is a good idea, and by not putting things on the life ring it will make it less likely to be a collector's item. He stated about fifteen years ago he went into the ocean to assist someone who was drowning and he didn't have any device to assist him, so he is all for this.

Commissioner Corey Runte moved to approve the Rotary Club of Melbourne Beach and Cocoa Beach to fund, install, and maintain the Drown Zero Life Rescue Stations at all public beach accesses in the Town of Melbourne Beach for a total of eleven at no expense to the Town; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Presentation of Donation from the Melbourne Beach Volunteer Firefighters Association.

Fire Chief Gavin Brown stated the Volunteer Firefighters Association is a not-for-profit 501 (c) 3 group that is not part of the fire department, but they fundraise to help fund some fire department needs with recruitment and retainment for the volunteers. He stated they held a pancake breakfast on Easter, and they would like to donate the proceeds to the fire department donation fund. Chief Brown explained the Association is made up of a Board who are volunteers with the fire department. Vice President Travis Wood presented Chief Brown with the check.

- D. Promotional ceremony of new State Certified Volunteer Firefighters presented by Fire Chief Gavin Brown – Reception to follow

Fire Chief Gavin Brown recognized and swore in the new State Certified Volunteer Firefighters: Tom Kloiber, Mike Dean, Sam Cox, and Jason Hanson. He stated out of the ten students that started the class only five (four from Melbourne Beach) were able to complete all the necessary requirements including the minimum one hundred ninety-one hours of classroom training.

Roll Call

Commission Members Present

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Commission Members Absent

None

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

7. Consent Agenda

- A. Site Plan Approval for 405 River View Ln
- B. Site Plan Approval for 1508 Pine St

Commissioner Sherri Quarrie moved to approve the Consent Agenda; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

8. Old Business

- A. Consider the purchase and installation of 7 new street poles for Ocean Avenue, Ryckman Park Block.

Public Works Director Tom Davis stated several companies, except for the two companies he provided, only provide poles and not the accompaniments to the poles. Both companies have identical products, but the company out of Texas has the lowest price. Additional accompaniments can be added at a later date. These would allow seasonal banners or potted plants to be hung from them.

Item A in Old Business was pushed to the end of Old Business.

Public Works Supervisor Tom Davis provided copies of the two proposals he was able to get. Streetscapes came back with a modified proposal which is approximately two thousand dollars less than the original.

Further discussion ensued

Commissioner Corey Runte made a motion to waive the requirement for three proposals since we have two very qualified proposals; Commissioner Marivi Walker seconded; Motion carried 5-0.

Commissioner Sherri Quarrie stated if the two companies have comparable products and esthetics she would recommend going with the cheaper company from Texas.

Public Works Director Tom Davis clarified that every sign on the West end of Ocean will be switched to this style.

Commissioner Corey Runte moved to approve SA-SO a DBA of ACP International for the streetscape pole signs on Ocean Avenue as presented not to exceed five thousand dollars; Commissioner Marivi Walker seconded; Motion carried 5-0.

B. Discussion on drafting a Low-Speed Vehicle Ordinance for the Town.

Attorney Clifford Repperger said he is in the process of drafting the Low-Speed Vehicle Ordinance, but it was not ready for this meeting. What's in the packet is Indialantic's and we are mirroring theirs. He asked if there was anything specific the Commission would like included.

Further discussion ensued

Commissioner Sherri Quarrie asked about the shared database and having to provide public records for a different municipality.

Attorney Clifford Repperger advised anything that the Town maintains we would have to produce any information requested as part of a public records request.

Town Manager Elizabeth Mascaro advised it would only be with Indialantic, and anything we have access to we would have to provide as part of a public records request.

Commissioner Sherri Quarrie asked if as part of the Interlocal agreement with Indialantic can we get free parking.

Town Manager Elizabeth Mascaro stated she will ask.

C. Proposed RFP for Cherry and Rosewood stormwater/road repair.

Town Manager Elizabeth Mascaro stated this is the first part of the stormwater project using the ARP funds. She stated Cherry and Rosewood need immediate attention due to the continuous sinking of the roadway. B.S.E Consulting prepared this RFP to bid on the project.

Further discussion ensued

Vice Mayor Joyce Barton moved to approve the bid package prepared by B.S.E Consultants for the Cherry and Rosewood stormwater/road repairs; Commissioner Marivi Walker seconded; Motion carried 5-0.

D. Resolution 2022-05 Fee Schedule

Town Manager Elizabeth Mascaro stated this is very similar to what the Commission approved last month, however, there was one fee that was inadvertently left off for the building department. The Town has a few different fee schedules, so this is also consolidating them into one.

Ali Dennington
413 Surf Road

Ali Dennington stated she has pending public records requests that were submitted under the previous fee schedule, so the fees for her pending public records requests should not be changed.

Town Manager Elizabeth Mascaro stated those fees stayed the same.

Commissioner Corey Runte moved to approve Resolution 2022-05 as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

9. New Business

A. Request for an executive session.

Town Attorney Clifford Repperger stated there is a pending appeal in Code Enforcement case number 2020-CE-198. The Special Magistrate rendered a Findings of Fact, Conclusions of Law, and Order on March 30, 2022. The Respondent filed a Notice of Appeal timely. He stated he has a previously declared conflict and cannot represent the Town on appeal. Conflict Counsel Morris Richardson has agreed to continue his representation of the Town on the case on appeal. Conflict Counsel Richardson desires advice concerning the litigation. Florida State Statute Section 286.011(8) permits the Town Commission to meet in private with its legal counsel to discuss settlement negotiations or strategy sessions related to litigation expenditures. Town Attorney Clifford Repperger stated the Executive Session would be part of a Special Town Commission meeting which would be open to the public, but when the meeting gets to the Executive Session then everyone must leave except for the Commission, Town Counsel, Town Manager, and the Court Reporter.

Chuck Cain
309 Surf Rd

Chuck Cain stated he appreciates the Commission and Staff that seeks to enforce the Building Codes equitably. He would urge the Commission to stand firm and not be dragged into a rabbit hole.

Ali Dennington
413 Surf Rd

Ali Dennington stated the Town used to have a Code Enforcement Board which was made up of citizens that would vote. She stated people decided the Code Enforcement Board was too slow or not making the right decisions, and so they got rid of the Code Enforcement Board and hired a Special Magistrate who is an attorney in Indialantic. Anyone with a code violation will go in front of an attorney from Indialantic who has an ethics violation on his record. The whole point of having a Special Magistrate was to be more cost-effective and faster, but it is costing you guys a lot more. In theory, a Special Magistrate is a great idea, however, having personally gone through the experience there were no procedures set and she didn't get to call any witnesses. She thinks it will get overturned on appeal for several reasons. She stated the Commission should reconsider putting the Code Enforcement Board back together.

Mayor Wyatt Hoover asked if Ali Dennington would not be suing the Town if five residents got together and ruled against her.

Ali Dennington stated anyone can still appeal. She stated if she felt they made the wrong decision then yes, she would appeal. She stated the Board might make a better decision. Ali stated the Special Magistrate railroaded her and had his mind made up before he walked in the door.

Commissioner Corey Runte moved to approve the request for an Executive Session as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- B. Consideration of Proclamation recognizing the Florida League of Cities and the Legislative Affairs Team for a job well done in the 2022 Legislative Session.

Vice Mayor Joyce Barton stated other Municipalities are doing the same type of thing.

Mayor Wyatt Hoover stated the Florida League of Cities including Vice Mayor Joyce Barton have done a ton of lobbying on our behalf.

Mayor Wyatt Hoover read the Proclamation recognizing the Florida League of Cities and the Legislative Affairs Team for a job well done in the 2022 Legislative Session.

Vice Mayor Joyce Barton moved to accept the Proclamation commending the Florida League of Cities and the Legislative Affairs Team for their hard work during the 2022 Florida Legislative Session; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Consideration of Proclamation recognizing May 11th through May 17th, 2022 as National Police Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 11th through May 17th, 2022 as National Police Week.

Vice Mayor Joyce Barton moved to accept the Proclamation recognizing National Police Week as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- D. Consideration of Proclamation recognizing May 21st through May 27th, 2022 as National Safe Boating Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 21st through May 27th, 2022 as National Safe Boating Week.

Robert Triebell
29 Cove Rd

On behalf of the Coast Guard and Coast Guard Auxiliary, Robert Triebell wanted to thank the City and the rest of the Town Council for supporting National Safe Boating Week for the past three years. Robert Triebell provided boating statistics including 75% of deaths were caused by drowning, and 80% of those deaths did not have life jackets. Alcohol use was the leading factor in accidents and deaths. In 70% of the accidents, the driver did not receive any type of instruction. He stated the Coast Guard recognizes the Town of Melbourne Beach as a Safe Harbor, a Town that supports safe boating practices. There was a Town event on Safe Boating, and the Coast Guard has provided training.

Commissioner Corey Runte moved to approve the Proclamation recognizing May 21st through May 27th as National Safe Boating Week; Commissioner Marivi Walker seconded; Motion carried 5-0.

- E. Consideration of Proclamation recognizing May 23rd through May 30th, 2022 as National Beach Safety Week.

Mayor Wyatt Hoover read the Proclamation recognizing May 23rd through May 30th, 2022 as National Beach Safety Week.

Fire Chief Gavin Brown stated in alignment with the beach rescue stations that they just approved it would be good to recognize National Beach Safety Week.

Commissioner Corey Runte moved to approve the Proclamation recognizing May 23rd through May 30th as National Beach Safety Week; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

- F. Consideration of Proclamation recognizing June 3, 2022, as National Gun Violence Awareness Day.

Mayor Wyatt Hoover read the Proclamation recognizing June 3, 2022, as National Gun Violence Awareness Day.

Interim Town Clerk Amber Brown stated this proclamation was requested by the Town of Indialantic who just approved it.

Dan Brunger
400 Sixth Ave

Dan Brunger stated he would like it amended to criminal violence. He stated it is the criminal, not the gun. This is putting emphasis on the wrong thing in this situation.

Mayor Wyatt Hoover stated an important part of this is to pay tribute to the victims as well.

Vice Mayor Joyce Barton moved to accept the Proclamation declaring the first Friday in June as National Gun Violence awareness day in Melbourne Beach; Commissioner Marivi Walker seconded; Motion carried 4-1 with Commissioner Corey Runte casting the dissenting vote.

- G. Consideration of approving a \$500 donation to the City of Melbourne for the 4th of July Fireworks Celebration.

Finance Manager Jennifer Kerr stated prior to 2020, due to Covid, the Town of Melbourne Beach has donated \$500.00 to the City of Melbourne for this. The City of Melbourne is again requesting donations.

Further discussion ensued

Vice Mayor Joyce Barton moved to approve the \$500.00 donation to MelBoom for the 4th of July fireworks celebration put on by the City of Melbourne; Commissioner Marivi Walker seconded; Motion carried 5-0.

10. Staff Reports

- A. Town Attorney Report

No Report

- B. Town Manager Report

Town Manager Elizabeth Mascaro stated she received great feedback from the employees that attended the Space Coast League of Cities dinner. They really enjoyed it and felt good being included. She stated Vice Mayor Joyce Barton, Police Chief Melanie Griswold, and Lieutenant Matthew Smith attended Space Coast TPO to receive the 2021 Engineering Award on behalf of the Town. She also received a lot of great feedback about Founders Day. There were no police or fire-related incidents.

Commissioner Corey Runte stated Founders Day was awesome and thanked everyone for the hard work. He stated it was the busiest he has seen it.

Mayor Wyatt Hoover stated the day after the last meeting the Gemini second graders came to Town Hall for a tour. He had the honor of speaking with all of them.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

Building Official Robert Bitgood stated everything is going well. There are several new homes coming into the area. He is working on updating the landscape ordinance. The new software program is very helpful in streamlining the system.

Mayor Wyatt Hoover stated as part of the landscape ordinance which says residences in the single-family zoning cannot have a hedge or shrub that is taller than four feet.

Vice Mayor Joyce Barton stated it would be nice to provide some privacy and a sound barrier.

Mayor Wyatt Hoover stated the traffic is getting worse and worse, especially along A1A, and the ordinances state a fence that goes past the front of the house can only be four feet tall. He explained on the residential streets neighbors across the street and next to you watch out for your house, but for the residents that live on A1A, the neighbors across the street have a huge barrier preventing them from looking out for their neighbors across the street. Would it be reasonable for houses that directly face A1A to increase the fence or wall restriction to six feet to have a better sound barrier, more privacy, and security protection from A1A.

Building Official Robert Bitgood stated other Municipalities do have that same type of exception.

Commissioner Corey Runte and Vice Mayor Joyce Barton stated that is very reasonable and they are open to it.

Commissioner Sherri Quarrie stated she would be open to the discussion, but would also want to make sure the three-foot right-of-way is adhered to.

2. Public Works Department

Public Works Director Tom Davis stated they planted plants in Bicentennial Park and extended the landscaping around Ryckman Park, the broken parking kiosk was fixed and delivered so it will be installed soon, and posted signs that

say bikes must stop at stop signs. Making good progress on Sunset Blvd, and added more golf cart parking spots.

Commissioner Sherri Quarrie asked about the five-foot area between the library and the grocery store. Who is responsible for maintaining that area.

Public Works Director Tom Davis stated an irrigation company and a tree trimming company were there the other week.

Further discussion ensued

3. Code Enforcement

Commissioner Sherri Quarrie asked about 505 First Ave building a pond and M/H in front, and why is this a case.

Town Manager Elizabeth Mascaro stated she has been there and the pond is very shallow and there is nothing that prohibits the pond.

Building Official Robert Bitgood stated it was reviewed to make sure it wasn't against any building codes or considered a nuisance.

Town Attorney Clifford Repperger stated the M/H stands for a motor home.

Commissioner Corey Runte requested we allow Code Enforcement to do their job and the investigation.

4. Police Department

No additions to the report

5. Fire Department

No additions to the report

6. Finance Department

Commissioner Corey Runte moved to approve the Finance Report as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

11. Town Commission Comments

A. General Comments

None

B. Review of Commission Action List

Updated

- Grant funding opportunities for stormwater – Town Manager Elizabeth Mascaro spoke with Scott from B.S.E. to coordinate our efforts, and she found two grants that just opened up. - August

Mayor Wyatt Hoover recommended reaching out to IRL which has a team of grant writers that are at our disposal to get feedback.

- Permanent tree lighting – Public Works Director Tom Davis would like to purchase two different types of lights one that's installed in the first V of the tree and the other would be in the ground to see how they look. The installation would probably need to be a flex conduit on the back side of the tree because of the squirrels. – next month
- Audio system in the Community Center – Mayor Wyatt Hoover stated they want fewer cords, possibly a television, and microphones for each seat. – next month
- S.E.A project – Town Manager Elizabeth Mascaro stated she wanted to have a table at Founders Day, however, she was unable to attend. The additional parking spots are done, planting in Bicentennial Park was done, and new poles along Ocean Ave are in the works. The next big-ticket item would be underground retention for stormwater. – next month

Further discussion ensued

Mayor Wyatt Hoover stated we somewhat have a deadline now because FDOT said they are going to do their portion of A1A during the fiscal year 2026.

Commissioner Corey Runte would like to see a public workshop scheduled within the next three months.

Commissioners agreed to have a public workshop in July.

- Low-speed vehicle certification process – ordinance and Interlocal agreement next month
- Multi-generational – Town Manager Elizabeth Mascaro stated this came from Planning and Zoning wanting to define the word kitchen. Our code right now prohibits two kitchens but does not define what a kitchen is. – next month

Mayor Wyatt Hoover recommended having an agenda item next month to go over what parts of the code would prohibit multi-generational living.

12. Adjournment

Commissioner Corey Runte moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 5-0.

Meeting adjourned at 9:12 p.m.

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
APRIL 20, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

DRAFT MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Interim Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Interim Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Wyatt Hoover

Vice Mayor Joyce Barton

Commissioner Corey Runte

Commissioner Marivi Walker

Commissioner Members Absent

Commissioner Sherrie Quarrie

Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Clifford Repperger

Finance Manager Jennifer Kerr

Building Official Robert Bitgood

Fire Chief Gavin Brown

Public Works Director Tom Davis

Police Chief Melanie Griswold

Interim Town Clerk Amber Brown

3. Pledge of Allegiance

Mayor Hoover led the Pledge of Allegiance

4. Presentations

Police Chief Melanie Griswold presented Corporal Zachary Martin with an Officer of The Year award.

5. 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.

Kate Wilborn
502 Second Ave

Kate Wilborn asked what preparations are being made for the next time it rains. She stated a wall and a luxury home is going to be built when the land should be for water retention. Kate Wilborn stated what good is the Town government if it is not protecting its residents. Kate Wilborn stated houses near her have flooded, and houses need to be built in a way that does not flood their neighbors. Kate Wilborn advised she watched a video of the Town Manager and she is embarrassed. She stated if she floods this time she will sue the Town.

Ted Funkhouser
509 Banyan Way

Ted Funkhouser stated there is a property on Banyan Way that is being rented out as an Air BnB. There are reports around the country. We need to do something about owner-occupied, but the owner lives in Arizona and gets a homestead exemption. Something needs to be done in Melbourne Beach that stops vacation rental development in single-family homes. This particular home is not registered with any place. Please do something about these day to day rentals

Mayor Hoover stated the State has taken away almost all of our ability as a Municipality to control vacation rentals. Regarding his occupancy and homestead exemption that is something we can look into with respect to the taxes he is paying. Mayor Hoover stated the Municipality is not permitted to limit the length of time of a vacation rental that would be the State.

Mr. Funkhouser stated Boca Raton just enacted something recently that does not allow day-to-day rentals, and the minimum rental is one month. He stated he spoke with Debbie Mayfield's office and they advised the Municipality needs to have an ordinance.

Mayor Hoover asked for Mr. Funkhouser to provide any information he has to the Town Manager, so we can verify the Town is doing everything we can.

Commission Corey Runte stated the Town has a noise ordinance and if there is a violation to notify the police. He also stated the State does not allow Municipalities to restrict them unless there was already an ordinance in place. For example, Indialantic already had an ordinance in place prior to the State coming out with Home Rule, so they are able to continue to restrict vacation rentals under that ordinance. He stated our Code Enforcement has done an excellent job trying to identify any nonregistered vacation rentals in Town.

Gail Goudy
205 Ash Ave

Gail Goudy stated she expects our Town Manager to act in a professional manner, and it is very disturbing. What is the Commission doing concerning her actions? There is a complaint against the Town Manager from the previous Town Clerk and a video of the Town Manager that is very disturbing. If anything it confirms the Town Manager

has used poor judgment, not acted in a professional manner, and is not representing the Town in a good way or a good example to the employees. As the Commission this is something you need to seriously think about, and what is the Commission going to do about this.

Steve Walters
Sixth Ave

Steve Walters stated he is wearing a mask because the microphone is not sealed. He stated he received a copy of the grievance filed by the previous Town Clerk Jennifer Torres, a complaint from the Town Clerk before her Nancy Wilson, and other written complaints. Mr. Daniels was also mentioned in that grievance. Jennifer Torres was doing a good job, and that is the toughest job in the Town Hall. Keep in mind the Deputy Town Clerk was fired and never replaced. He is sorry she is gone and you will be hearing from Mr. Daniels and him soon.

Jim Simmons
409 Avenue B

Jim Simmons stated the more things change the more they stay the same. Same people with the same grievances for forty-plus years with the same issues against the Town Manager that they brought for ten or fifteen years. He would encourage you to look at the history behind the Town Manager's goings-on, and the repeated attacks on the Town Manager and see how repetitive it is. He has a lot of management experience and has been the victim of the attacks as Mayor. They have a nice platform that they can say anything they want. No matter how true or untrue it is. When these types of issues come forward in a public forum they need to be taken with a grain of salt. They need to be looked at seriously from both sides. He stated Elizabeth as the Town Manager has his confidence.

Ali Dennington
413 Surd Rd

Ali Dennington stated an independent investigation should be done to look into the grievance against the Town Manager. One allegation was deleted text messages which is a violation. There are a bunch of other allegations. She requested the Mayor to temporarily lock down all records. She stated she has made a bunch of public records requests. She does plan to sue the Town for the denial of several public records requests. Partly because of the shed issue with disagreeing with the interpretation of the Code. Ali Dennington requested that all of the documentation that she provided be entered into the record for the meeting. As well as all of the emails sent in the past two days be entered into the record.

Mayor Hoover asked if she was referring to the seventy-five emails she sent.

Ali Dennington verified yes those are the emails she would like entered into the record.

6. Approval of the Agenda

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

7. Consent Agenda

- A. Approval of Special Town Commission Meeting minutes for March 2, 2022
- B. Approval of RTCM Meeting minutes for March 15, 2022
- C. Site Plan Approval for 1507 Pine Street
- D. Site Plan Approval for 404 Sixth Avenue
- E. Site Plan Approval for 414 Hibiscus Trail
- F. Site Plan Approval for 309 Ocean Avenue

Vice Mayor Barton asked about not getting the entire site plan and just paring down parts of it for the Commission. The site plans are a lot of paper that other Boards have already done their job and gone through and approved.

Commissioner Corey Runte stated the site approval process is a very diligent procedure that goes through the consulting engineer, Town Planner, the Building Department, and the Planning and Zoning Board. Then it goes to the Commission on the consent agenda to vote yes or no.

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

8. Old Business

- A. Final Reading of Ordinance 2021-04 Town of Melbourne Beach Comprehensive Plan.

Attorney Clifford Repperger read Ordinance 2021-04 for the second reading for adoption. Attorney Clifford Repperger went over the process that Ordinance 2021-04 has gone through.

Further discussion ensued

***Ali Dennington
413 Surf Rd***

Ali Dennington stated she would like to object to 309 which was on the consent agenda. She objected to the Planning and Zoning and would like to object here as well. She would also like to object to the Comprehensive Plan. She did file an objection with the State and with the Town. Ali stated she would like to reiterate

that she attended and objects for all of the reasons stated many of which are just procedures the Town did not follow. There was mention of not having signed minutes from Planning and Zoning which she believes is a requirement. Without signed minutes she is not sure those meetings are valid. Regarding the section about if it gets destroyed, the language was changed to take out the percent, so now if it gets destroyed at any amount. Why was the letter from the State not included which states objection one requires each local government to include a property rights element in its Comprehensive Plan. The local government has proposed its own property rights element instead of the State one. The proposed property rights element limits the consideration to private property to planning and development. She stated it says it has to be every decision, so she objects to that. The response that it will be worked on is not sufficient and the second reading should be postponed and fix that. Why wasn't the letter included, and why wasn't the property rights element changed.

Attorney Clifford Repperger stated the dated November 22, 2021, from the DEO was included in the agenda packet. With respect to the property rights element, the changes that were requested were made.

Kate Wilborn
502 Second Ave

Kate Wilborn stated if this is a master plan, she goes by the Town bulletin board every night, and this meeting is not posted. She does care about the master plan because it seems to be for a developer such as Commissioner Corey Runte. She stated there is more and more development and fill fill fill.

Mayor Wyatt Hoover stated very recently the Stormwater requirement for individual properties was amended to increase the individual retention requirement from one and a half inches in twenty-four hours to six inches in twenty-four hours. What that means is every time a property is redeveloped or torn down and rebuilt they are increasing the amount of stormwater they are retaining on their own property. This is certified by an independent civil engineer.

Commissioner Corey Runte stated he would like to set the record straight. He is the Vice President of pre-construction for certifying commercial construction for his company, and has not done anything along this strip in Melbourne Beach. Melbourne Beach has enacted a new code that is one of the most strict of any beachside municipality to help protect the residents. In addition, the Town is able to spend over one million dollars on stormwater treatment.

Steve Walters
Sixth Ave

Steve Walters received a call a few months ago regarding builders for new homes stating they need a perc test which can cost a couple thousand dollars. The homeowner had to pay twenty-five hundred dollars, but the ordinance doesn't say that. He stated the ordinance should be clarified to state a perc test is not required.

Commissioner Corey Runte stated per the House of Engineering a perc test is required as part of the approval process to calculate stormwater retention requirements.

***Funoe LLC
413 Surf Rd***

Ali Dennington spoke on behalf of her son who is a trustee of Funoe LLC. Ali Dennington stated earlier it was said that the engineer is independent. However, it is the Town Engineer who has a contract with the Town. They have records that are public records. It does not matter that they are outside of the Town which she has requested records related to the Town Engineer last year that she has not gotten. There was mention about all of this money that was going to be spent on stormwater, and she wanted to note that the grievance noted \$100,00.00 that was miscalculated and taken from stormwater, so she objects to that.

Vice Mayor Barton moved to adopt the Resolution 2021-04 from the second reading which amends Resolution 2021-02; Commissioner Walker seconded; Motion carried 4-0.

9. New Business

A. Consideration of Resolution 2022-04 amending the Building Permit Fee Schedule.

Commissioner Corey Runte stated Robert Bitgood was brought on full-time as the Chief Building Official, and he has received numerous unsolicited compliments. He goes above and beyond to protect our residents to make sure everything meets the code and it is quality workmanship. He stated a building department cannot be a profit center. It is self-sustained and does not generate a profit. Robert Bitgood is working to get everything digital, and we are now doing inspections five days a week.

Building Official Robert Bitgood stated per state statute the building department is an enterprise fund and should not be counting on the Town for funding. The fund goal would be to have up to twice the operating budget, and if the fund gets to that point the Town can either lower the fees or offer incentives for things such as stormwater improvements to residents. He stated the building department fees were based on 2014, and a lot has changed since then. He explained the minimum permit fee will be \$75.00 for construction valued up to \$2500.00; then anything above that will pay an additional percentage based on the value of construction. He proposed increasing the cost for doing work without a permit to be up to four times the cost of the permit at the Building Officials' discretion.

Commissioner Corey Runte explained that currently there is no incentive to have the work completed properly before the first inspection because there are no re-inspection fees.

Mayor Hoover stated the Building Department is essentially net-zero financially for the Town, and these changes will allow the Building Department to be more efficient and provide better accountability.

Further discussion ensued

Julie Samuel
2320 S River Rd

Julie Samuel asked how much of the Town's money was used in the year prior, and based on last year's numbers how much would be taken in with the new fee schedule?

Building Official Robert Bitgood stated he does not have information regarding last year. He stated last month by enforcing through plan review what was supposed to be taken in would have averaged \$7,000.00.

Mayor Hoover stated part of the reason for doing this is because the building department was understaffed and so the level of service the Town was providing was very poor. Such as only doing inspections two days a week. This will allow the Town to provide an adequately staffed building department.

Steve Walters
Sixth Ave

Steve Walters asked after listening to all that, what you are about to vote on is to raise the building permit fee? Another tax folks.

Building Official Robert Bitgood stated this would be the first increase since 2014.

Kate Wilborn
502 Second Ave

Kate Wilborn asked what about impact fees? If someone is buying a luxury home an impact fee wouldn't be a big deal, and it would help people in older homes from having their foundation crack. Also, grants to protect our river and people from flooding.

Commissioner Corey Runte stated there are impact fees assigned to any new construction project that are set by Brevard County. This fee schedule would bring us up to date and be comparable to surrounding municipalities.

Jim Simmons
409 Ave B

What I think is missing in this discussion as well as the additional services being provided and the time scales is when he was Mayor he received a call from a resident stating their builder told him the Building Official is very difficult to work with. Jim Simmons stated he doesn't think that is true anymore, we have a new building official, but what you're missing is the Building Official works for the resident, he doesn't work for a building contractor, he is supposed to make sure the builder functions to his responsibilities, and provides a safeguard to the

homeowner to make sure the contractor is not taking shortcuts. The Building Official works for the homeowner.

Dan Brunger
400 Sixth Ave

Dan Brunger stated the comments about donating money bother him. That has been raised to the Town before about charitable contributions and if he pays a tax or a fee, he would not want it donated to anyone else. If he wanted to donate he would do it himself. He also asked about fees being raised. He stated he has a maybe fifteen-foot section of fence that he would like to put up in the future, so would he have to pay the \$75.00 fee and then pay even more for that section of fence.

Building Official Robert Bitgood stated under this new update you can change up to twenty-four feet of a fence without a permit as long as you are not putting it on anyone else's property. As far as the donations discussion goes the money does not need to be donated the fees could be lowered or even eliminated temporarily. Donating money is just an option and is regulated by the State on what the money can be donated to. The building department is fully funded and sustained by permit fees, so no taxpayer money goes to fund the building department.

Ali Dennington
413 Surf Rd

Ali Dennington stated she is going to make the same objection to every single thing. She stated this is over four hundred pages. She asked when did the Commission receive a copy.

Mayor Hoover stated Friday

Ali Dennington stated she requested it two days ago. She emailed on the eighteenth each Commissioner, the Town Manager, the Town Attorney, and the Town Clerk, even though we don't have one right now so the Town doesn't have a records custodian, she did not get a copy of the agenda packet until today. Ali stated she objects to everything in the meeting that is decided on the bases that her due process rights have been violated. The whole point of a public meeting is to give people notice of what will be decided so that they can object if they want, but if you limit the amount of time they are able to digest the things being decided they cannot formulate an objection. If she had two or three days she might not have any objections, but because she only had a couple of hours it is a due process violation. You need a reasonable opportunity to review something.

Mayor Hoover apologized for not forwarding the packet, but they received over seventy emails from her, and he has not had time to read them all.

Further discussion ensued

Ali Dennington stated the emails she sent she had to do that legally to preserve her record.

Vice Mayor Barton moved to approve the Resolution 2022-04 in regard to the increase to building permit fees effective immediately; Commissioner Walker seconded; Motion carried 4-0.

- B. Consider the purchase and installation of 7 new street poles for Ocean Avenue, Ryckman Park block.

Public Works Director Tom Davis stated as part of the Town's plan for beautification, he would like to purchase and install new street poles for the west end of Ocean Ave.

Mayor Hoover asked where the funds were coming from.

Public Works Director Tom Davis stated the Commission took \$40,000.00 from the Redwood property and put it aside for beautification.

Commissioner Corey Runte stated he only sees one proposal, and they are required to get three if it is over \$4,000.00. He stated he would like to see at least one more preferably two more proposals. Florida Bulb and Ballast were the ones that just did the tennis courts and saved us \$30,000.00. Also, FPL does a leasing program.

Vice Mayor Barton stated she likes the idea of doing this and has seen how beautiful it looks in other Towns, but would request more proposals.

Public Works Director Tom Davis stated he will come back next month with more.

10. Staff Reports

A. Town Attorney Report

Attorney Clifford Reppeger stated he would hesitate to get too involved in a discussion, but he would like to address the elephant in the room. As you're aware we have an Interim Town Clerk tonight because the Town Clerk has separated employment with the Town. There was a special Town Commission meeting scheduled that was canceled. The purpose of that meeting was to consider the appeal from the Town Clerk to a final written discipline that the Town Clerk had received. On April 12th the parties met and discussed the issues and the Town Manager agreed to rescind the final written warning and to agree that it would not be an official part of the Town Clerks employment history. A copy of the executed letter rescinding the final written warning has been provided to you. Given the withdrawal of that final written warning, the Special Town Commission Meeting was canceled as unnecessary. The parties then entered into a separation agreement which both parties signed, and the Town Clerk voluntarily resigned. On April 4th a separate grievance complaint was filed with his office, pursuant to the separation agreement that was entered into the Town Clerk voluntarily withdrew the grievance complaint, and asked that the grievance complaint investigation cease. That is what happened, the investigation was closed and no further action was taken. Those documents are

public records, and from an employer's standpoint, the issue was resolved. If the Commission feels something further needs to be done they can advise him accordingly.

Mayor Wyatt Hoover stated it is important in any organization to evaluate individuals on their work, and certainly, none of us are perfect, since Elizabeth has taken over as Town Manager we have never seen the parks department operating as effectively as it is, from a Commissioner standpoint, the budgeting process is smooth and streamlined, the building department is operating better than it has, all of the departments in the Town. Mayor Hoover stated he is frequently in Town Hall and the morale is good and they have a positive experience working with and under Elizabeth. She is not supposed to be everyone's best friend, she is their boss and sometimes that can create unfortunate situations. Holding people accountable is not fun, and so there are always difficult situations. He stated he is proud of Elizabeth and the work she has done.

Vice Mayor Joyce Barton stated she would agree with everything Mayor Hoover just said. She has witnessed the same thing in her time here. She goes into Town Hall a lot and she sees the morale in the offices. Being a former employer she knows it is difficult and knows how hard it can be when you have employees to deal with when there is a problem. Sometimes things have to change, and she is very confident we will find the right person for this position, and everyone will get their needs satisfied. Thank you to Attorney Clifford Repperger for allowing the Commission to speak on this because it is the elephant in the room, and there have been a lot of hard feelings and harsh things that have been said and done. We live in an amazing little town and she would suggest everyone move forward from this. It is a learning experience for everyone involved, but she thinks we have all learned and will move forward in a positive way.

Commissioner Corey Runte stated he is on six nonprofit boards throughout the county and he used to chair a quasi-judicial board in Melbourne. Prior to Elizabeth Melbourne Beach used to call other Towns to see how they were doing things and model it after them. He spoke with another City Manager who stated Melbourne Beach is doing some amazing things and they are looking at how we are doing things now. It is important to not only look at just one person who didn't work out for whatever reason, but to look at the bigger picture. This Town has never been in a better place. People see that, and other municipalities see that. Elizabeth is our Town leader and we need to respect her. There will always be tough decisions she has to make.

B. Town Manager Report

Town Manager Elizabeth Mascaro stated she and Chief Griswold were going to meet with Indian River Town Manager Casey and Chief Conner about golf carts and the Interlocal agreement, but the meeting had to be postponed. She stated Public Works Director Tom Davis just installed four more golf cart parking spots along Ocean Ave. She was on a conference call with District five for FDOT to put their section of Ocean Ave on their map for paving in 2026. That also provided the opportunity to discuss the entrance and egress for Ocean Park and the shopping centers. It is the annual

budget cycle, so it is time for the Commission to review her and as part of that process she would like the Commission to think about what goals they would like to task her with. What they would like to see in the next twelve months, but maybe also twenty-four and thirty-six so if it requires budgeting funds she can make sure they start setting that money aside.

Mayor Wyatt Hoover asked for a few email reminders with deadlines.

Town Manager Elizabeth Mascaro stated she would like to have the first budget meeting in June, so she would like to have the information by the end of May to give her a little bit of time to estimate the costs and work them into the budget. She stated they can send the items as they think of them, they do not all need to be listed and sent at the same time. She will send out an email to them.

Commissioner Corey Runte asked if the audit was done.

Town Manager Elizabeth Mascaro stated it was done and they will be presenting next month. She stated we did fantastic; Finance Manager Jennifer Kerr did an awesome job.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

No additions to the report

2. Public Works Department

Public Works Director Tom Davis stated four golf cart parking spots were added in Ryckman Park. The DAR has done a tremendous job on the Ryckman House. Landscaping in Ryckman Park was done.

Commissioner Corey Runte stated the bathrooms look amazing, and the Ocean Park sitting area is beautiful.

Public Works Director Tom Davis stated the palm trees in the park are out of control. He stated they spend hours having to pick up palm fronds. Tom stated he would like to be able to trim them; he knows there were a lot of complaints last time, but if he keeps it at three and nine that should allow him to at least cut the dead stuff off.

Further discussion ensued

Jim Simmons
409 Avenue B

Jim Simmons stated the only concern would be bat roosting. We have done everything we can to encourage bats in town, and they breed in the boots of cabbage palms. He stated we should look into when is a good time to trim cabbage palms so the bats are not nesting.

Mayor Wyatt Hoover clarified that when the trees are trimmed leave the boots alone and only trim the palm fronds. He asked if there was an update on the Sunset swale modification. It was previously discussed about uplighting, but is it possible to take out the Christmas lights.

Public Works Director Tom Davis stated he spoke with the Town Manager today about the Sunset project and it might have to wait for Founders Day, but it might start sooner. They plan to cut the curb and take out the compacted vegetation that is stopping water from going down. Regarding the Christmas lights, they will be taken down before Founders Day. He stated he found a company out of Tampa that has an in-ground canister light that he really likes.

3. Code Enforcement

No additions to the report.

4. Police Department

Chief Melanie Griswold stated after numerous complaints on First Avenue; we have put the speed trailer there. There has been a large increase in traffic, so speed humps have been installed. Unfortunately, the Police Department will be phasing out the drone program due to security standards from the government as of January 1, 2023. The government has given agencies a list of five approved drones that are allowed. The approved drones are between \$2,000.00 and \$7,000.00 and are too compact so they would not be able to use them for life-saving in the water like they want.

Commissioner Marivi Walker stated she witnessed something horrible while walking on Riverside the other day. Can anything be done on Riverside for speeding? She also asked about an incident at Gemini and a letter about needing more officers.

Chief Griswold stated we do need at least two more officers. Regarding the incident near Gemini, Chief Griswold was working from home to assist the officers. That incident was not in our jurisdiction, we were just assisting the Sheriff's Office, but if we got a call in our jurisdiction we would have had to break from that call. Indialantic was also on scene as well as a couple of K-9s.

Mayor Hoover asked what the nature of the challenge is and what the current situation is with the number of officers on duty.

Chief Griswold stated a lot of complaints that they have received are related to traffic. Everyone has seen an increase in traffic, not necessarily speeding, but just

more people are here. There are certain things she would like to do that are in the works right now. Having more officers to concentrate on traffic would be very helpful.

Commissioner Corey Runte stated regarding walking along Riverside when the road project starts the sidewalk will be continued which will at least allow a barrier between vehicles and people walking.

5. Fire Department

Chief Gavin Brown stated three volunteers completed the one hundred ninety-one hour State approved firefighter training course that was taught in-house by State certified fire instructors. He stated they held a few multi-agency fire trainings at a house donated by the Formica family. There are also four new candidates that have successfully gone through the sixty-day training program.

Vice Mayor Joyce Barton stated there is a scholarship opportunity coming up through the Space Coast League of Cities for people working in the fire or police department, or people that are interested in getting into that field.

Town Manager Elizabeth Mascaro stated they had a very successful pancake breakfast in conjunction with the Parks Board for the Easter party.

6. Finance Department

Commissioner Corey Runte asked if our total expenditure rate is fifty-three percent.

Finance Manager Jennifer Kerr stated yes, and this is the new software report. There is a new encumbrance column which is money that is marked for purchase orders.

Ali Dennington
413 Surf Rd

Ali Dennington stated she would like to reiterate her earlier objection that she did not have enough time to review the voluminous record that the Commission got on Friday, but she did not get it until a few hours before the meeting. She stated she objects to everything in the entire document. She also stated she will provide her written objections and supporting documents at the end. She asked for someone to touch on the \$100,000.00 that had been lost or miscalculated which was taken from stormwater and put somewhere else. She stated she requested the audit records last year and she has not gotten anything on that. She also previously requested the contracts for the building that is contracted out and she has never gotten those.

Kate Wilborn
502 Second Ave

Kate Wilborn stated she does not know if everyone has seen the video of Town Manager Mascaro, but the video is out there and should be addressed. She would really like to compliment the Police Department, Fire Department, and Tom Davis they work really hard and she appreciates that. She would like the same from the Town Council and Town Manager.

Julie Samuel
2320 S River Rd

Julie Samuel stated she might have missed public comment on the individual reports, but she is curious why Officer Rick was suddenly removed from Gemini. She stated she works with Elizabeth and has seen the video, but she would say some sort of public apology or something to address it.

Chief Griswold stated she received anonymous complaints regarding SRO Rick Dovale at the school and that is why he was removed. It is under investigation so she cannot get into it.

Chelsea Hansen
1807 Neptune Dr

Chelsea Hansen stated she would also like some type of acknowledgment. She thinks it could be really positive for Melbourne Beach she loves living here, but she missed the part where this was addressed.

Mayor Wyatt Hoover stated they hear the concerns, but they have not received the entire video yet to review it and discuss it.

Vice Mayor Barton moved to approve the Finance Report as presented; Commissioner Walker seconded; Motion carried 4-0.

11. Town Commission Comments

A. General Comments

Vice Mayor Barton stated the Space Coast League of Cities meeting that we host is coming up on May 9th.

Commissioner Corey Runte stated Founders Day is Saturday, May 7th. For any vendors that would like to participate there is an application on the website. Also for anyone that would like to watch the Mayor and Commissioner Corey Runte skydive behind Sand on the Beach at their own expense on Founders Day in the morning.

Steve Walters stated he would make sure he packs their shoot.

Town Manager Mascaro stated the Town will have a table at Founders Day to get feedback from residents.

Vice Mayor Barton asked what advice we have for people coming from outside of the Town regarding parking. What about a shuttle.

Chief Griswold stated from Pine to Riverside will be blocked off. Regarding patrons coming to the park, they will have to park elsewhere and walk. She stated Rotary did a shuttle and there wasn't much participation in it.

B. Review of Commission Action List

Town Manager Mascaro stated the meeting with Indialantic had to be rescheduled, so that will go to May.

12. Adjournment

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

Meeting adjourned at 8:26 p.m.



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code

2020 Florida Building Code

Date: May 25, 2022
Owner: JONES, SCOTT D; JONES, YOLANDA
Owner Address: 309 5TH AVE MELBOURNE BEACH FL
Site Address: 309 5TH AVE MELBOURNE BEACH FL
Parcel ID: 28-38-08-FY-28-5
Zoning: 3RS

Proposed Project: Addition to a single-family dwelling

References: Town of Melbourne Beach Code of Ordinances: 7A-33,
Ordinance 2019-06

Request: Approval by Planning and Zoning Board, Town Commission for
construction of an addition of a covered porch to the single-family dwelling.

Staff Review: The property lies in Zoning District 3RS

- 1). Project is an addition to a single-family dwelling.
There is an existing slab and no trees will be removed.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
Lot area is 11,250 sq. ft. min. 10,000 sq. ft.
Lot width is 75 ft. min. 90 ft. This is an existing non-conforming structure.
Lot depth is 150 ft. min. 100 ft.
- 3). Lot coverage has a maximum of 30% for principle structure.
Lot coverage per plan is 15 % Footprint of Primary Structure is 1,697.26 sq. ft.
Max allowed for Primary Structure is 3,375 sq. ft. for Lot Area of 11,250 sq. ft.
Minimum pervious area per lot is 30%. Pervious area is 68.96%
- 4). Structure maximum height for zoning district is 28 ft.
The proposed height provided is 10'4".
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 22.2 ft. (min. 15 ft.)

Proposed Primary Structure East Side Setback 26.8 ft. (min. 15 ft.)

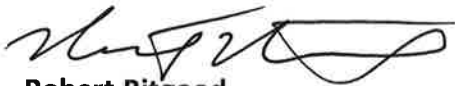
Proposed Primary Structure Rear Setback 48.7 ft. (min. 25 ft.)

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.



**Robert Bitgood
Building Official**

309 Fifth

IMPERVIOUS		PERVIOUS	
Primary Structure	1,697.26	Shed space	
Pool		Open areas	
Decks		Other	
Driveway	864		
Accessory Bldg	244		
Concrete areas	687	TOTAL PERVIOUS	7,757.74
Pavers areas			
Other			
TOTAL IMPERVIOUS	3492.26	Lot Total Sq Footage	11,250
		TOTAL % PERVIOUS	0.689577



TOWN OF MELBOURNE BEACH DEVELOPMENT APPLICATION

I. SUBMITTAL REQUIREMENTS:

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

II. REQUEST:

- | | |
|--|--|
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Coastal Construction Variance |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input checked="" type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO) |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I) | <input type="checkbox"/> Amendment to the Land Development Code |
| | <input type="checkbox"/> Other (specify) _____ |

III. PROPERTY INFORMATION:

General Location: 309 FIFTH AVENUE, MELBOURNE BEACH

Address: 309 FIFTH AVENUE, MELBOURNE BEACH, FL 32951

Parcel Number(s): 28-38-08-FY-5

Area (in acreage): .26 Area (in square feet): 520

Current Zoning: 0110 SINGLE FAMILY RESIDENCE Proposed Zoning: NO CHANGE

Current Future Land Use: N/A Proposed Future Land Use: N/A

Brief Description of Application: APPROVAL FOR NEW EXTERIOR COVERED PORCH

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): 3/2/2022

IV. APPLICANT INFORMATION:

Property Owner

Name: Scott D. Jones

Phone: 786-376-9002

Address: 309 5th Ave.

Fax: —

Melbourne Beach, FL 32951

Email: frscottaz@gmail.com

Applicant (if other than property owner)

Name: Steve LaScola

Phone: 203-767-3577

Address: 126 Delvalle Street,

Fax: —

Melbourne beach, FL 32951

Email: lascolasremodeling@gmail.com

V. OWNER AUTHORIZATION:*

The undersigned hereby affirms the following:

1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
2. That I/we have read and understands the entire application and concurs with the request.
3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: Scott Jones

Date: 3/4/22

Print Name: Scott Jones

Title: Owner

*Must sign in front of notary.

State of Florida

County of Brevard.

The foregoing application is acknowledged before me
this 4 day of March, 2022, by Scott Jones Florida Driver License
who is/are personally known to me, or who has/have produced
as identification.

Stephen Sandidge
Signature of Notary Public, State of Florida



Stephen Sandidge
Notary Public
State of Florida

My Commission Expires 10/17/2022
Commission No. GG 268491

VI. APPLICANT CERTIFICATION:*

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

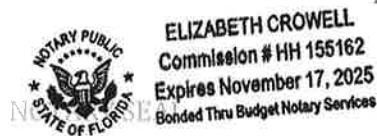
Signature: [Signature] Date: 4/21/2022
Print Name: Stephen LaScola Title: CONTRACTOR

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me
this 12 day of April, 2022, by Stephen LaScola
who is/are personally known to me, or who has/have produced _____
as identification.

[Signature]
Signature of Notary Public, State of Florida



VII. PROJECT DESCRIPTION:

Describe Application: BUILD NEW COVERED PATIO ON REAR OF EXISTING HOME WITH NO TREE REMOVAL
OR DRIVEWAY / WALKWAY WORK,

Provide attachment if more space is needed.

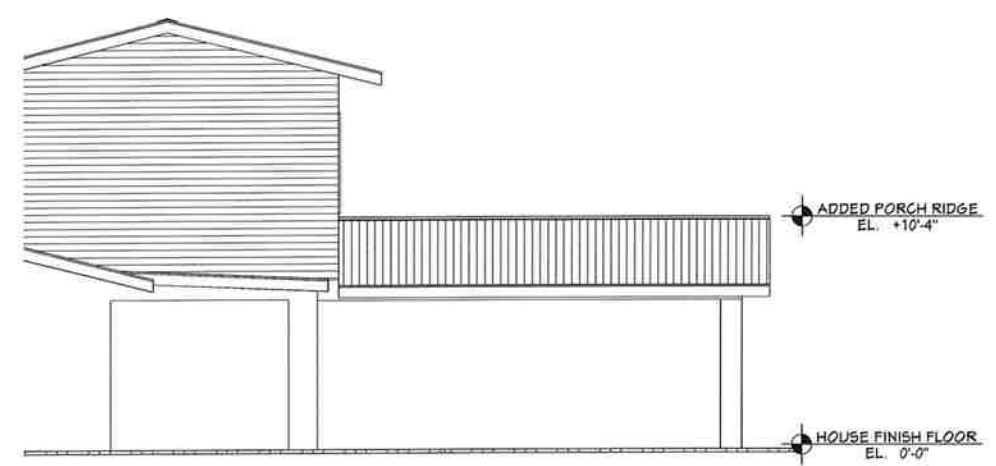
Describe Existing Conditions: EXISTING SLAB AND PERGOLA WILL BE REMOVED FOR CONSTRUCTION OF
NEW COVERED PATIO ON REAR OF EXISTING HOME WITH NO TREE REMOVAL

Provide attachment if more space is needed.

APR 12 12 PM 1:22



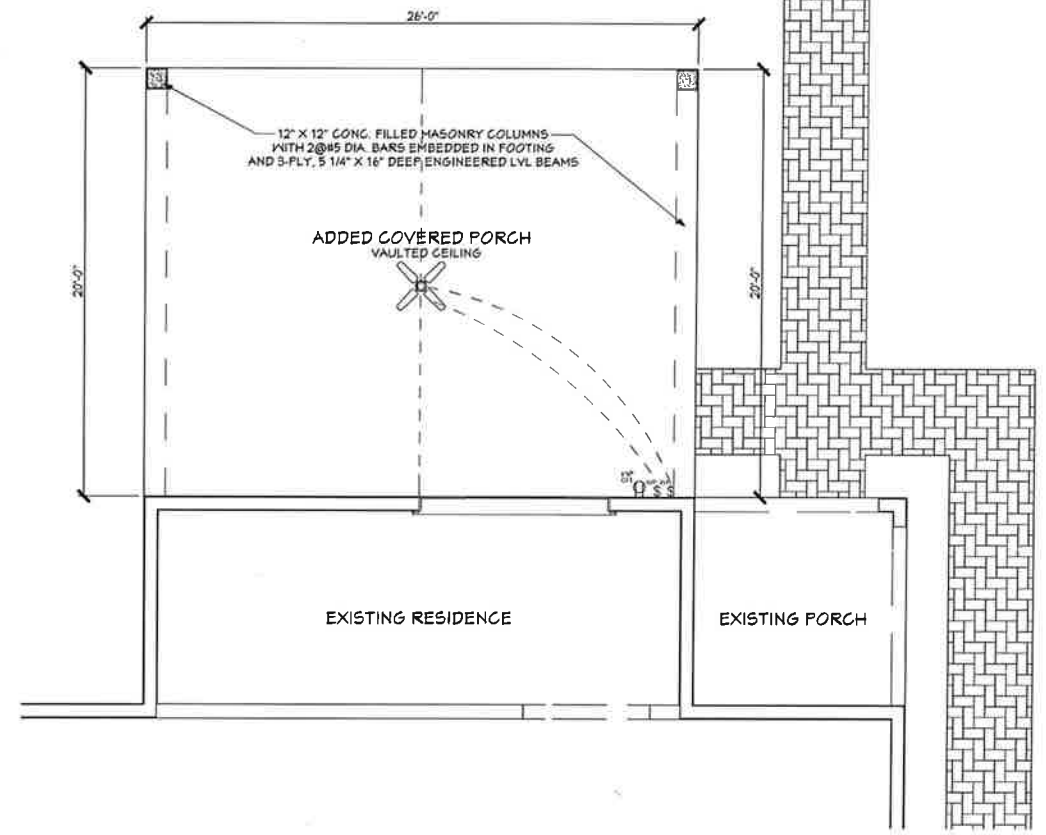
REAR ELEVATION



SIDE ELEVATION

ELECTRICAL LEGEND	
⚡ SINGLE POLE SWITCH	⌘ CEILING FAN
⚡ 3 WAY SWITCH	⌘ EXHAUST FAN
⌚ SINGLE RECEPTACLE	⌘ CEILING MOUNTED INCAND. FIXTURE
⌚ DUPLEX RECEPTACLE	⌘ RECESSED INCAND. FIXTURE
⌚ DUPLEX RECEPTACLE WITH TOP HALF SWITCHED	⌘ INCAND. FIXTURE WITH FULL CHAIN
⌚ QUADRUPLUX RECEPTACLE	⌘ UNDER CAB. LIGHTING
⌚ 220 VOLT RECEPTACLE	⌘ FLUORESCENT CEILING FIXTURE
📞 PHONE JACK	⌘ EXTERIOR STUBOUT
📞 TV JACK, COAXIAL WITH CAT 5	⌘ ELECTRICAL SERVICE PANEL
📞 THERMOSTAT	⌘ ELECT. METER
📞 WALL MOUNTED INCAND. FIXTURE	⌘ POWER DISCONNECT
📞 WALL SCONCE	
📞 WALL MOUNTED EXTENSION FIXTURE	
📞 FLOOD LIGHTS	
📞 SMOKE DETECTOR WITH CARBON MONOXIDE ALARM	
📞 GARAGE DOOR OPR. SWITCH	

- NOTES:
1. ALL 125 V., 15 & 20 AMP RECEPTACLES SHALL BE LISTED TAMPER RESISTANT RECEPTACLES, PER NEC 2011 ELECTRIC CODE 406.11.9.
 2. ALL 120 VOLT, SINGLE PHASE, 15 AND 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT SHALL BE PROTECTED BY A LISTED ARC-FAULT CIRCUIT INTERRUPTER, COMBINATION TYPE INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT, PER NEC 2011 ELECTRIC CODE 210.12.4.
 3. ALL ADDED SMOKE ALARMS TO BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS.
 4. 15 AND 20 AMP, 125 AND 250 VOLT RECEPTACLES INSTALLED IN A WET LOCATION SHALL HAVE AN ENCLOSURE THAT IS WEATHER-PROOF, WHETHER OR NOT THE ATTACHMENT PLUG CAP IS INSERTED.



FLOOR PLAN



Digitally signed by Ben S. Schwartz
DN: cn=US, o=Florida, ou=Melbourne, ou=SBS
SERVICES, LLC, email=ben.schwartz@sbs-services.com
Date: 2022.03.02 16:35:59 -0500

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND
SEALED BY BEN S. SCHWARTZ, P.E. ON THE DATE
AND/OR TIME STAMP SHOWN USING A SHA
AUTHENTICATION CODE.
PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND THE SHA
AUTHENTICATION CODE MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.

SBS SERVICES, LLC
3693 LONG LEAF DRIVE
MELBOURNE, FL 32940
(321) 884-1371
sbs@sbsservices.com

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THESE
PLANS AND SPECIFICATIONS COMPLY WITH THE STRUCTURAL
PORTION OF THE 7th EDITION FLORIDA BUILDING CODE
RESIDENTIAL CHAPTER 9 FOR WIND AND GRAVITY LOADS AS
AMENDED AND ENFORCED BY THE PERMITTING JURISDICTION.
DATE
PE LIC NO. 41778 CALIC NO. 26811

STRUCTURAL CERTIFICATION FOR WIND LOADING ONLY

FLOOR PLAN &
EXT. ELEVATIONS

TOM MORTON
DESIGN & DRAFTING
723-0330
310 SUNSET BLVD.
MELBOURNE BEACH, FL 32951

A PORCH ADDITION TO EXISTING RESIDENCE FOR:
SCOTT JONES
304 FIFTH AVENUE, MELBOURNE BEACH

DATE:
2 MAR 22
DRAWN:
T.C.M
SCALE:
1/4"=1'-0"
REVISION:

SHEET:
A1

GENERAL NOTES

1. THESE DRAWINGS WERE PREPARED WITH THE ASSUMPTION THAT THE CONTRACTOR OR OWNER-BUILDER IS KNOWLEDGEABLE OF COMMON CONSTRUCTION PRACTICES.
2. THE CONTRACTOR / OWNER-BUILDER SHALL REVIEW DRAWINGS FOR ACCURACY AND INTERPRETATION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER / ARCHITECT PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR / OWNER-BUILDER IS TO VERIFY THAT TRUSS ENGINEERING AND DESIGN IS COMPATIBLE WITH THESE DRAWINGS PRIOR TO TRUSS FABRICATION.
4. THE FOUNDATION PLAN SHALL BE VERIFIED BY THE CONTRACTOR / OWNER-BUILDER TO CORRESPOND WITH THE FINAL ENGINEERED TRUSS LAYOUT.
5. DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS.

ENGINEERING NOTES

1. ALL LOAD BEARING CONCRETE MASONRY UNITS SHALL COMPLY WITH ASTM C-90 WITH TYPE M OR S MORTAR COMPLYING WITH ASTM A-210. MASONRY UNITS SHALL HAVE A PRISM STRENGTH OF 1500 P.S.I.
2. REINFORCING BARS TO BE GRADE 40 WITH 25" LAP MINIMUM, (ASTM A-615)
3. COVERAGE: FOOTINGS = 3"; BEAMS = 1.5"
4. SLAB AND FOUNDATION CONCRETE TO HAVE 28 DAY COMPRESSIVE STRENGTH OF 2500 P.S.I.
5. ANY WOOD FRAMING OR LUMBER IN CONTACT WITH CONCRETE TO BE P.T. OR HAVE MOISTURE BARRIER OF 15 LB. FELT MIN.
6. ROOF SHEATHING IS A DIAPHRAGM TO BE NAILED WITH 8d RING-SHANKED NAILS @ 4" O.C. EDGES AND 6" O.C. FIELD.
7. CEILINGS TO BE 1/2" STRUCTURAL DRYWALL (CEILING BOARD)
8. ALL EXTERIOR WALLS BETWEEN OPENINGS ARE DESIGNED AS AND SHOULD BE CONSIDERED SHEARWALLS.
9. INTERIOR WALLS NOTED AS SHEARWALLS SHALL HAVE 1/2" 4-PLY OR OSB ON ONE SIDE NAILED WITH 210d @ 4" O.C. EDGES, AND IN FIELD.
10. INTERIOR BEARING WALLS SHOULD BE SECURED TO SLAB WITH 1/2" X 10" WEDGE ANCHORS W/ 2" WASHERS AT 24" O.C., MIN. EMBEDMENT @ T.
11. CROSS REFERENCING BETWEEN CONNECTORS OF OTHER COMPANIES IS PERMITTED PROVIDED UPLIFT VALUES ARE SATISFIED.
12. THESE PLANS HAVE BEEN REVIEWED FOR COMPLIANCE WITH THE FLORIDA BUILDING CODE 1st EDITION (2017) AND NEC (2014).
13. DESIGN CRITERIA IS BASED ON THE CURRENT VERSION OF ASCE 7.
14. DIMENSIONS SHOULD BE USED IN LIEU OF SCALING WHEREVER POSSIBLE.
15. ALL WALL ANGLES ARE BASED ON 90 AND 45 DEGREES UNLESS NOTED OTHERWISE.
16. ALL DIMENSIONS ON THIS DRAWING ARE BASED ON NOMINAL WALL THICKNESSES OF 4", 6" & 8" AND DO NOT REFLECT DRYWALL, FURRING OR OFFSETS. CARE MUST BE USED IN LAYOUT TO ALLOW FOR FINISHES.
17. U.N.O. = UNLESS NOTED OTHERWISE.
18. CONTRACTOR TO VERIFY THAT TRUSS DESIGN AND LAYOUT CORRELATE WITH SEALED PLANS. ANY DISCREPANCIES ARE TO BE CORRECTED PRIOR TO TRUSS FABRICATION OR ERECTION.
19. IN CONFORMITY WITH CHAPTER 3, SECTION R310 OF THE 1st EDITION FLORIDA BUILDING CODE-RESIDENTIAL, TERMITE PROTECTION SHALL BE PROVIDED BY REGISTERED TERMITICIDES, INCLUDING SOIL-APPLIED PESTICIDES, BAITING SYSTEMS, AND PESTICIDES APPLIED TO WOOD OR OTHER APPROVED METHODS OF TERMITE PROTECTION LABELED UPON COMPLETION OF THE APPLICATION OF THE TERMITE PROTECTIVE TREATMENT. A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT: THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH THE RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
20. ENGINEER CERTIFIES STRUCTURAL ONLY.

WIND NOTES

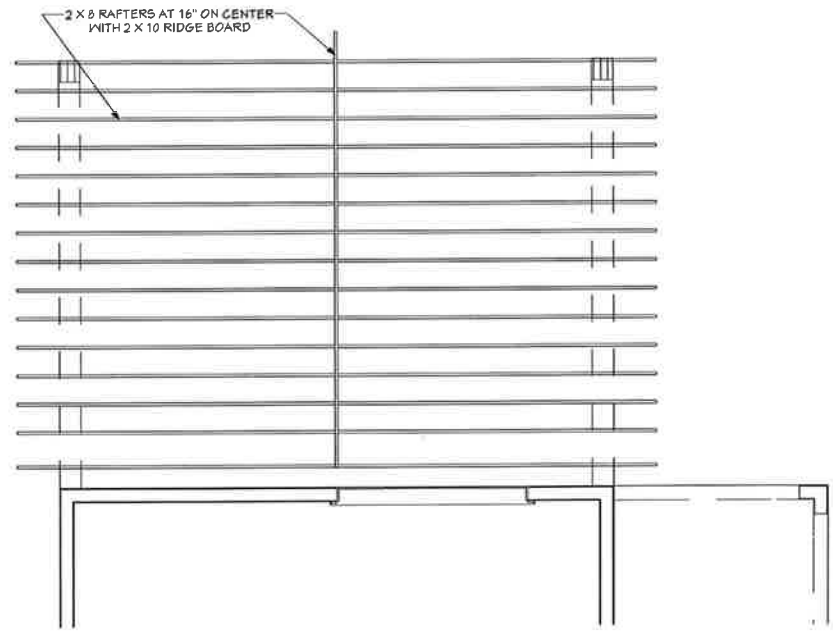
THE MAIN WIND RESISTANCE FOR THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE 1st EDITION (2020), FLORIDA BUILDING CODE-RESIDENTIAL TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM WIND SPEED OF 160 MILES PER HOUR, EXPOSURE "C" STRUCTURE. THE COMPONENTS AND CLADDING HAVE BEEN SELECTED AND THEIR USE INCORPORATED INTO THE DESIGN AND SPECIFICATIONS IN ACCORDANCE WITH THE 1st EDITION (2020), FLORIDA BUILDING CODE-RESIDENTIAL TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM WIND SPEED OF 160 MILES PER HOUR, EXPOSURE "C" STRUCTURE.

1. ULTIMATE WIND SPEED = 160 MILES PER HOUR
 2. WIND IMPORTANCE FACTOR = 1.1 (BUILDING CATEGORY = OPEN (FULLY))
 3. WIND EXPOSURE = EXPOSURE "C"
 4. INTERNAL PRESSURE COEFFICIENT: + 0.00 / - 0.00
 5. COMPONENT & CLADDING DESIGN PRESSURE +14.4/55.4 PSF
- THIS STRUCTURE IS LOCATED IN A WIND-BORNE DEBRIS ZONE PER 1st EDITION, FLORIDA BUILDING CODE-RESIDENTIAL.

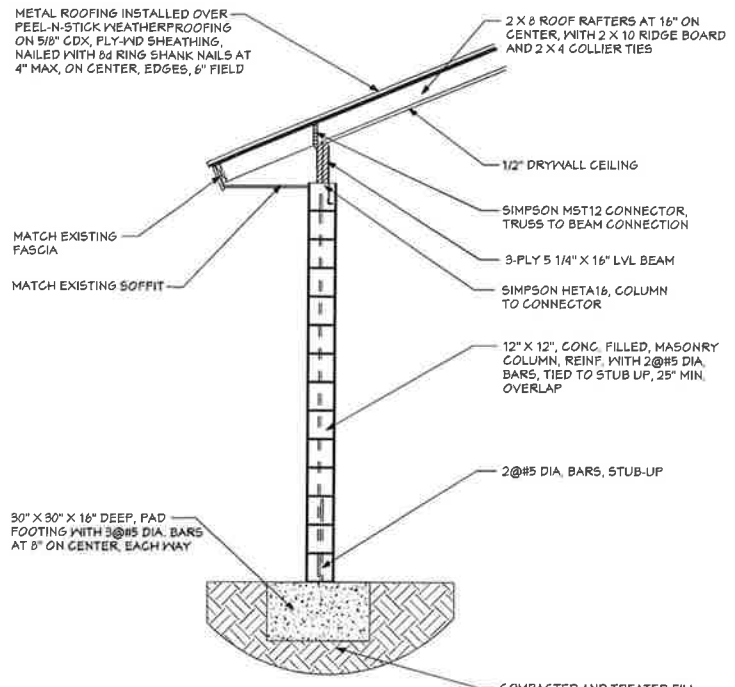
THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY BEN S. SCHWARTZ, P.E. ON THE DATE AND/OR TIME SHOWN USING A SHA AUTHENTICATION CODE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

SBS SERVICES, LLC
3893 LONG LEAF DRIVE
MELBOURNE, FL 32940
(321) 684-1271
sbs@sbsservices.com
I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THESE PLANS AND SPECIFICATIONS COMPLY WITH THE STRUCTURAL PORTION OF THE 1st EDITION FLORIDA BUILDING CODE - RESIDENTIAL, CHAPTER 3 FOR WIND AND GRAVITY LOADS AS AMENDED AND ENFORCED BY THE PERMITTING JURISDICTION.
BEN S. SCHWARTZ
P.E. LIC. NO. 41778 CALIC. NO. 26611
DATE

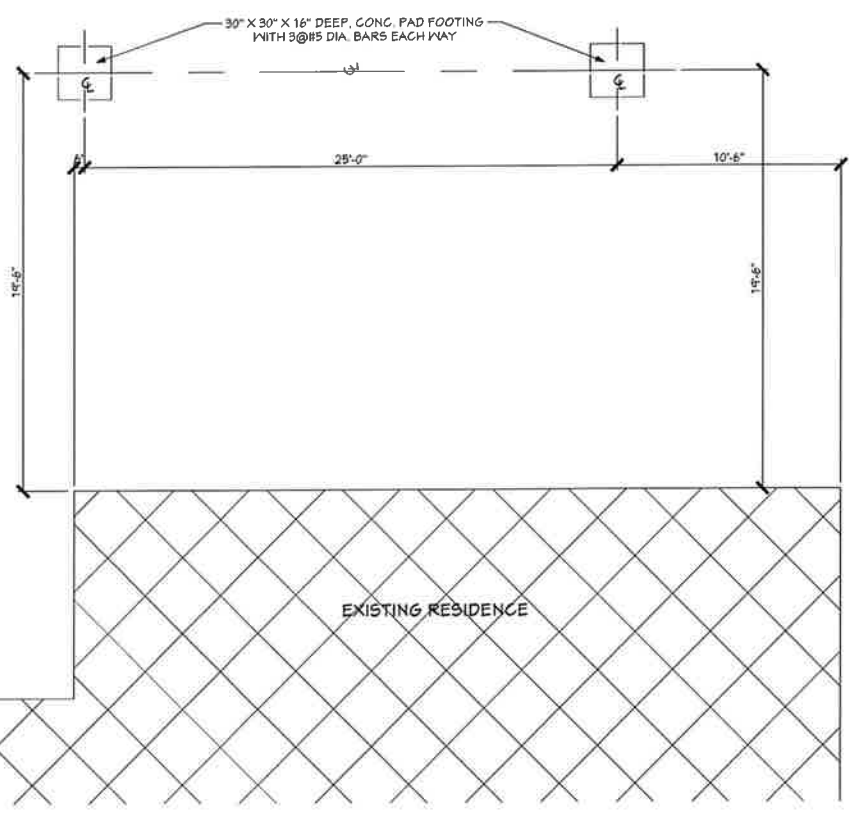
SBS SERVICES, LLC



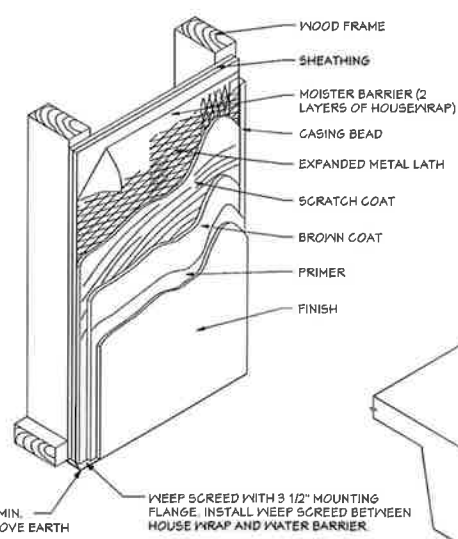
ROOF FRAMING PLAN
SCALE 1/4"=1'-0"



SECTION AT PORCH AREA
SCALE 1/2"=1'-0"

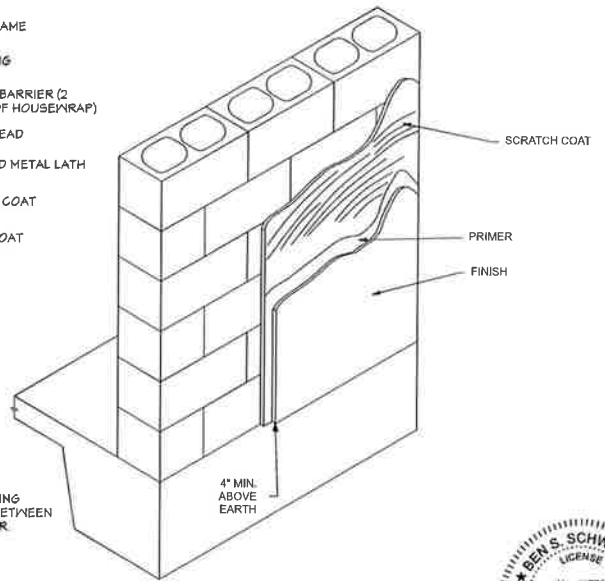


FOUNDATION PLAN
SCALE 1/4"=1'-0"

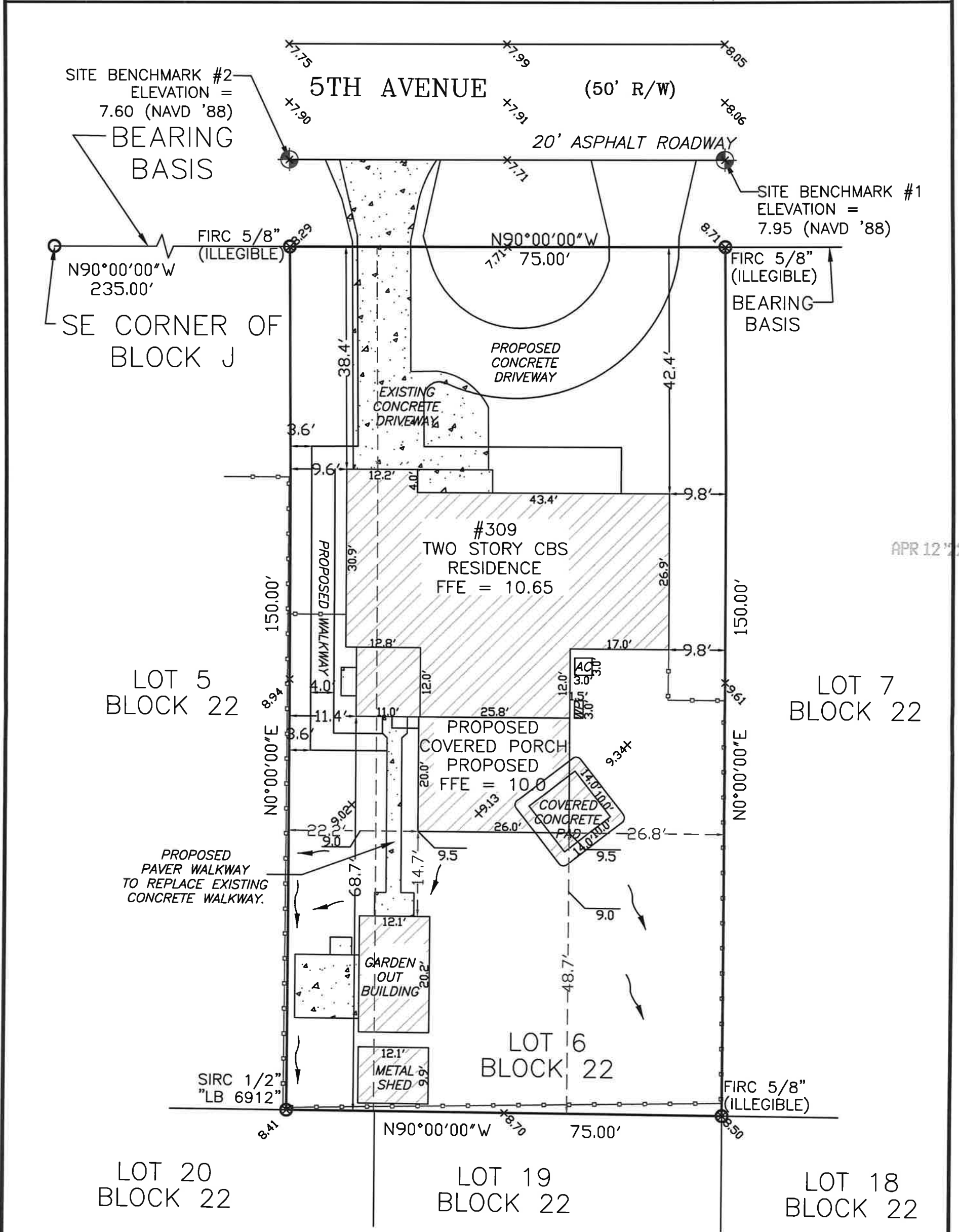


STUCCO ON FRAME DETAIL
EXTERIOR FINISH

1. A WATER RESISTANT BARRIER IN COMPLIANCE WITH ASTM D2268 SHALL BE APPLIED OVER STUDS OR SHEATHING PRIOR TO APPLICATION OF CEMENT PLASTER FINISH AND HAVE PERFORMANCE EQUAL TO AT LEAST TWO LAYERS OF GRADE D PAPER.
2. INSTALLATION OF EXTERIOR LATHING & FRAMING OVER FRAME WALLS SHALL COMPLY WITH ASTM C1063
3. EXTERIOR PLASTER SHALL COMPLY WITH ASTM C926. OVER MASONRY CONSTRUCTION, SCRATCH COAT SHALL BE APPROXIMATELY 3/8" THICK AND THE FINAL COAT APPROXIMATELY 1/2" THICK. OVER SHEATHED WOOD FROM CONSTRUCTION, A 3-COAT SYSTEM SHALL BE EMPLOYED RESULTING IN A TOTAL THICKNESS OF 7/8".

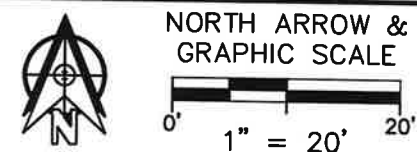


STUCCO ON CMU DETAIL



NOTES:
ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.
P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.
BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE SOUTHERLY RIGHT OF WAY LINE OF 5TH AVENUE.

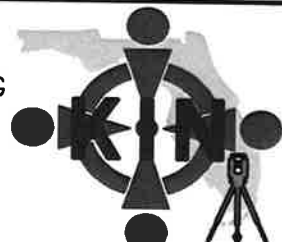
ELEVATION NOTES:
ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.



PERMIT NUMBER AND CONTACT
N/A

JOB # - 2111-258	REVISION -
FIELD DATE - 11/29/2021	REVISION -
REVISION - 3.7.22 SITE PLAN UPDATE	REVISION -
REVISION - 4.8.22 SITE PLAN UPDATE	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912	

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #104
VERO BEACH, FL 32967
PHONE - (888) 396-7770
WWW.KINSURVEYORS.COM



LEGAL DESCRIPTION:
LOT 6 AND EAST FEET OF LOT 5, BLOCK 28, WILCOX PLAT OF MELBOURNE BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

JOB NUMBER: 2111-258
FIELD WORK DATE: 11/29/2021
PROPERTY ADDRESS:
309 FIFTH AVENUE, MELBOURNE BEACH, FL 32951
FLOOD INFORMATION:
PANEL NUMBER: 12009C0608H
FIRM DATE: JANUARY 29, 2021
FLOOD ZONE: X
BASE FLOOD ELEVATION: NA
COMMUNITY NAME: MELBOURNE BEACH, TOWN OF
COMMUNITY NUMBER: 125128

AERIAL PHOTOGRAPH



SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
C = CURVE
CATV = CABLE T.V. RISER
CB = CATCH BASIN
CL = CENTERLINE
CLF = CHAIN LINK FENCE
CLP = CONCRETE LIGHT POLE
CONC = CONCRETE
CP = CONTROL POINT
CPP = CONCRETE POWER POLE
D = DEED
DF = DRAINFIELD
ELEV = ELEVATION
EM = ELECTRIC METER
EOW = EDGE OF WATER
EP = EDGE OF PAVEMENT
F = FIELD
FCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIPC = FOUND IRON PIPE AND CAP
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FN = FOUND NAIL
FN&D = FOUND NAIL AND DISC
FND = FOUND
FPK = FOUND PK NAIL
FPKD = FOUND PK NAIL AND DISC
FRRSPK = FOUND RAILROAD SPIKE
GAR = GARAGE
HYD = FIRE HYDRANT
ID = IDENTIFICATION
L = LENGTH
LB # = LICENSED BUSINESS
LS # = LICENSED SURVEYOR
M = MEASURED
MB = MAP BOOK
MES = MITERED END SECTION
MH = MANHOLE
MLP = METAL LIGHT POLE
OHW = OVERHEAD WIRES
P = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTOL POINT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS
RNG = RANGE
R/W = RIGHT OF WAY
S = SEPTIC
SEC = SECTION
SIR = SET IRON ROD AND CAP
SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

————— = BOUNDARY LINE
————— = STRUCTURE LINE
- - - - - = CENTERLINE
- - - - - = EASEMENT LINE
- - - - - = FENCE LINE
- - - - - = OLD LOT LINE

SYMBOLS

⊙ = FIRE HYDRANT ⊞ = CATCH BASIN
⊠ = WATER METER ⊕ = SANITARY MANHOLE
⊡ = POWER POLE ⊙ = CABLE T.V. SERVICE
⊙ = GAS SERVICE ⊕ = ELECTRIC SERVICE
⊙ = LIGHT POLE ⊕ = TELEPHONE SERVICE
⊙ = WELL ⊕ = DRAINAGE MANHOLE
⊙ = BENCHMARK ⊕ = SANITARY SERVICE

- SURVEYOR'S NOTES**
1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
 2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
 3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
 4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
 6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
 7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
 8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
 9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
 10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
 11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Digitally signed by Bill Hyatt
Bill Hyatt
Date: 2022.04.08
11:48:09 -04'00'
4.8.22
DATE
BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

CERTIFIED TO:
SCOTT D. JONES
YOLANDA JONES, AS CO-TRUSTEES OF THE JONES FAMILY TRUST U/A DATED ON JANUARY 8, 2015.

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE - (888) 396-7770
WWW.KINSURVEYORS.COM





TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

**Town of Melbourne Beach Land Development Code
2020 Florida Building Code**

Date: May 26, 2022
Owner: MAGEE, TODD C; MAGEE, CHERYL D
Owner Address: 527 SUNSET BLVD MELBOURNE BEACH FL
Site Address: 527 SUNSET BLVD MELBOURNE BEACH FL
Parcel ID: 28-38-06-78-*-76
Zoning: 3RS

Proposed Project: New Single Family Dwelling. Drainage will be reviewed by Town Engineer.

References: Town of Melbourne Beach Code of Ordinances: 7A-33, Ordinance 2019-06

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

Staff Review: The property lies in Zoning District 3RS

- 1). Project is a new single-family dwelling as a principle use.
There is a current structure that will be demolished and a landscape plan has been provided. The Building Official has conducted an on-site review for any tree removal and replacements.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
Lot area is 16,125 sq. ft. min. 10,000 sq. ft.
Lot width is 75 ft. min. 90 ft. This is an existing non-conforming lot with a current structure to be demolished.
Lot depth is 215 ft. min. 100 ft.
- 3). Lot coverage has a maximum of 30% for principle structure.
Lot coverage per plan is 23 % Footprint of Primary Structure is 3,711 sq. ft.
Max allowed for Primary Structure is 4,837.5 sq. ft. for Lot Area of 16,125 sq. ft.
Minimum pervious area per lot is 30%. Pervious area is 52.2%
- 4). Structure maximum height for zoning district is 28 ft.
The proposed height provided is 23' 4 3/16"
Flood Zone X

5). Zoning District Setback requirements

Proposed Primary Structure Front Setback 33' 4" (min. 25 ft.)

Proposed Primary Structure West Side Setback 15' (min. 15 ft.)

Proposed Primary Structure East Side Setback 15' (min. 15 ft.)

Proposed Primary Structure Rear Setback 39' 4 ¾" (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). Town Engineer will submit a review of drainage per Ordinance 2019-06. Town Engineer will be required for final inspection before a Certificate of Occupancy may be issued 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.



**Robert Bitgood
Building Official**

527 SUNSET

IMPERVIOUS		PERVIOUS	
Primary Structure	3,711	Shed space	
Pool	594	Open areas	
Decks	838	Other	
Driveway			
Accessory Bldg			
Concrete areas	412	TOTAL PERVIOUS	8,420
Pavers areas	2,150		
Other			
TOTAL IMPERVIOUS	7705		
		Lot Total Sq Footage	16,125
		TOTAL % PERVIOUS	0.522171



MAY 18 '22 PMG

TOWN OF MELBOURNE BEACH DEVELOPMENT APPLICATION

I. SUBMITTAL REQUIREMENTS:

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

II. REQUEST:

- | | |
|--|--|
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Coastal Construction Variance |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input checked="" type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO) |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I) | <input type="checkbox"/> Amendment to the Land Development Code |
| | <input type="checkbox"/> Other (specify) _____ |

III. PROPERTY INFORMATION:

General Location: LOT 76 and EAST 1/2 LOT 77, Sunset Bay Subdivision

Address: 527 Sunset Blvd, Melbourne Beach, FL 32951

Parcel Number(s): Sections 6 & 7, Township 28 South, Range 38 East

Area (in acreage): 0.37 Area (in square feet): 16,125 SF

Current Zoning: 3RS Proposed Zoning: same

Current Future Land Use: SF Proposed Future Land Use: same

Brief Description of Application: Proposed single family residence to be built on lot. This will include a pool and driveway

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): 3-3-22

IV. APPLICANT INFORMATION:

Property Owner

Name: Todd C. & Cheryl D. Magee

Phone: 770-286-0485

Address: 8802 Bay Villa Ct.

Fax: _____

Orlando, FL 32836

Email: magee 8578@gmail.com
cmagee 8578@gmail.com

Applicant (if other than property owner)

Name: _____

Phone: _____

Address: _____

Fax: _____

Email: _____

V. OWNER AUTHORIZATION:*

The undersigned hereby affirms the following:

1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
2. That I/we have read and understands the entire application and concurs with the request.
3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: Todd Magee Cheryl Magee

Date: 5/4/22

Print Name: Todd Magee Cheryl Magee

Title: _____

*Must sign in front of notary.

State of Florida

County of Brevard.

The foregoing application is acknowledged before me
this 6th day of May, 2022, by Todd Magee and Cheryl Magee
who is/are personally known to me, or who has/have produced Known to me
as identification.

[Signature]

Signature of Notary Public, State of Florida



VI. APPLICANT CERTIFICATION:*

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

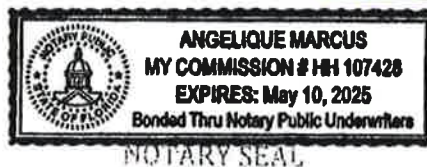
Signature: Todd Magee Cheryl Magee Date: 5/6/22
Print Name: Todd Magee Cheryl Magee Title: _____

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me
this 6th day of May, 2022, by Todd Magee and Cheryl Magee
who is/are personally known to me, or who has/have produced known to me
as identification.

[Signature]
Signature of Notary Public, State of Florida



VII. PROJECT DESCRIPTION:

Describe Application: Prepare lot as required & permitted to build a
new 2933 Living / 4662 total SF single family home,
pool with spa, and concrete paver driveway & hardscape areas.
Provide attachment if more space is needed.

Describe Existing Conditions: EXISTING uninhabitable house and
shed to be demolished under demolition permit. Existing
concrete driveway to be removed under demolition permit.
Provide attachment if more space is needed.



B.S.E. CONSULTANTS, INC.

Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.
President

Hassan Kamal, P.E.
Vice President

May 25, 2022

Via E-mail

Beth Crowell/Robert Bitgood
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951
E-mail address: building@melbournebeachfl.org

**Re: Site Plan Review – 527 Sunset - 1st Review
B.S.E. File #11440.100.19**

Dear Beth & Robert:

We have reviewed the above referenced plan and calculations and find that they meet Town Code, we therefore recommend approval of the drainage plan.

Due to recent occurrences, we request that the Engineer of Record review the as-built plans for compliance prior to the applicant requesting Town Engineer sign off. This will save time and expense for the applicant as well as the Town.

Should you have any questions, feel free to contact me.

Very truly yours,

Scott M. Glaubitz, P.E., P.L.S.

Scott M. Glaubitz, P.E., P.L.S.
President
B.S.E. Consultants, Inc.

SMG/rc
11440.100.19_22-s5348.may

SURFACE WATER MANAGEMENT REPORT

TO

TOWN OF MELBOURNE BEACH

FOR

**527 SUNSET BOULEVARD
MELBOURNE BEACH, FL 32951**

OWNERS:

Todd & Cheryl MaGee

527 Sunset Boulevard
Melbourne Beach, FL 32951

PREPARED BY:

Bennett Engineering & Consulting, LLC.

4940 Ranchland Road
Melbourne, Florida 32934
Tel/Fax (321) 622-4462
CA # 28236

BEC No. 22.190

This item has been digitally signed and sealed
by Clayton A. Bennett, PE on the date adjacent
to the seal.

Printed copies of this document are not
considered signed and sealed and the signature
must be verified on any electronic copies.

May 13, 2022

Digitally signed by Clayton A Bennett
Date: 2022.05.13 14:51:34 -04'00'



527 Sunset Boulevard

TABLE OF CONTENTS

	Page
I. PROJECT OVERVIEW	1
A. EXISTING CONDITIONS	1
B. PROPOSED CONDITIONS	1
II. SOIL INFORMATION	1
III. STORMWATER MANAGEMENT PLAN	1
A. EXISTING CONDITIONS	1
B. PROPOSED CONDITIONS	2
1. Area Information	2
2. Stormwater Attenuation	2
IV. STORMWATER MANAGEMENT SYSTEM MAINTENANCE PLAN	2

APPENDIX

A. Stormwater Management Plan	3-4
B. Post Development Stormwater Calculations	5-11
C. Soils Report prepared by KSM Engineering and Testing <i>(Provided for information only and not included in the Engineer's certification of this report)</i>	12-18

ENGINEER'S CERTIFICATION

The following drainage calculations for the 527 Sunset Boulevard, Melbourne Beach were prepared by me or under my direct supervision.

Clayton A. Bennett, P.E.
Fla. Reg. 53129

Date: _____

I. PROJECT OVERVIEW

A. Existing Conditions

The proposed project is located at 527 Sunset Boulevard in the Town of Melbourne Beach, Florida. The overall site boundary contains ± 0.37 acres, more or less. The site is currently developed as a single-family residence.

B. Proposed Conditions

The proposed project consists of the demolition of the existing residence and the construction of a new single-family residence and associated improvements. A stormwater management system has been proposed to retain the runoff from the 10-year/24-hour storm event, consisting of 8-inches of rainfall, from the site in accordance with the Town Criteria (Section 3A-30). The proposed improvements fall below the permit requirement thresholds of the SJRWMD Applicants Handbook Sec. 3.2.2 (a).

II. SOILS INFORMATION

KSM Engineering and Testing prepared a soils report (KSM Project No. 2204472-p) for the subject site. A copy of the said report has been included in Appendix C for informational purposes only.

The said soils report provided the horizontal and vertical permeability rate at the boring location. The vertical permeability rate ranged from 15.0 to 27.7 in/hr and the horizontal permeability ranged from 19.2 to 32.1 in/hr. The vertical permeability of the upper layer soil, which was had the lowest permeability, was selected as the bottom of the retention swale will not cut through the upper layer of soil. A factor of factor of safety of 2 was applied to the measured vertical permeability rate of 15 in/hr, to obtain the design permeability rate of 7.5 in/hr.

The KSM soils report noted that the seasonal high groundwater was estimated to be approximately 25 inches below existing grade. The existing grade was estimated at elevation 7-feet and the estimated seasonal high-water table was set at elevation 4.9'.

III. STORMWATER MANAGEMENT PLAN

A. Existing Conditions

The rate of runoff was not computed as the Town requires the retention of the 10-year/24-hour storm event.

B. Proposed Conditions

Two normally dry retention basins are proposed to retain the runoff from the 10-year/24-hour storm event consisting of 8-inches of rainfall.

1. Area information

Basin 1: Drainage Basin Area = 7,700 sf

Basin 2: Drainage Basin Area = 7,250 sf

2. Stormwater Attenuation

The proposed stormwater management system is designed to retain the runoff from the 10-yr/24-hr storm event site area using the computer model HydroCAD. The results of the HydroCAD model are provided in Appendix B. The following summarizes the results of the HydroCAD analysis for the 10-yr/-24hr storm event:

<u>Basin</u>	<u>Peak Stage</u>	<u>Top of Swale El.</u>	<u>Pre-Dev. Discharge</u>	<u>Post Dev. Discharge</u>
Basin 1	6.88 ft	6.9 ft	N/A	0.0
Basin 2	6.62 ft	6.9 ft	N/A	0.0

IV. STORMWATER MANAGEMENT SYSTEM MAINTENANCE PLAN

The stormwater management system for this project consists of normally dry retention basins. This system has been designed within the restrictions of the site and with the intent of satisfying the stormwater treatment requirements of the Town of Melbourne Beach stormwater management code. In order for the system to function properly, it must be maintained. The following maintenance and monitoring program shall be followed:

- Storm water retention basins shall be maintained and free of sand build up and debris, which could cause clogging and a reduction of storage volume.
- Grassed areas are to be maintained to avoid bare earth conditions where erosion could occur.
- Grass clippings are to be bagged and properly disposed of.

APPENDIX A

STORMWATER MANAGEMENT PLAN

1. PROPOSED BUILDING ENVELOPE INDICATES MAXIMUM EXTERIOR WALL DIMENSIONS ONLY. BOUNDARY & TOPOGRAPHIC INFORMATION WAS PROVIDED BY DOWN 110, INC. CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SURFACING AND WARNING SIGNS 03/09/2022.
2. ELEVATIONS ARE BASED ON NAVD, 1988 DATUM.
3. CONTOURS ARE APPROXIMATE.
4. THE SOILD MASS WHEN THE PROJECT SITE WILL BE PICKED UP BY CURBSIDE PICKUP.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE CAUSED WITHIN ROAD AND DRIVEWAY DURING CONSTRUCTION OF NEW CONSTRUCTION.
6. THE CONTRACTOR SHALL CONTACT SUNDHUNT ONE (1-800-432-4770) AND OBTAIN ALL UTILITIES AT LEAST 48 HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES, THE ACTUAL LOCATION AND EXTENT OF ALL EXISTING UTILITIES WHICH MAY AFFECT CONSTRUCTION. EXISTING UTILITIES SHOWN ARE BASED UPON THE BEST AVAILABLE INFORMATION SUPPLIED TO HIM BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE UTILITY OWNER.

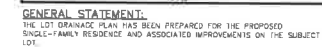
1. UNFINISHED FURNISHING ADJACENT TO THE BUILDING SHALL SLOPE AWAY FROM THE BUILDING A MINIMUM OF 2% FOR THE FIRST 10 FEET.
2. THE FINISHED PAYMENT GRADE ADJACENT TO THE GARAGE COORRES) SHALL BE SET AT 4" BELOW THE PAYMENT GARAGE SLAB ELEVATION AND BE SLOPED AWAY FROM THE GARAGE AT A MINIMUM OF A 2% SLOPE FOR 10 FEET.
3. FINISHED EARTH GRADES ADJACENT TO THE BUILDING SHALL BE A MINIMUM OF 8" BELOW THE FINISHED FLOOR ELEVATION AND THE GRADE SHALL FALL AWAY FROM THE BUILDING A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.

TOWN OF MELBOURNE BEACH
MINIMUM OF 18" ABOVE CROWN OF ROAD
MINIMUM FFE = $6.91' + 1.5' = 8.41$ FT
FEMA:
FLOOD ZONE "K", NO ADDITIONAL FLOOD REQUIREMENTS

LOT 28 AND THE EAST 1/2 OF LOT 27, SUNSET BAY SUBDIVISION OF LOT 28 AND 1/2 OF GRAVE'S SUBDIVISION, ALSO OF LOT KNOWN AS C. W. GILL'S LOT ADJOINING ON THE SOUTH ALL IN SECTIONS 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 30 EAST, ACCORDING TO THE MAP ON FILE HEREIN, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

(AS PROVIDED ON THE SURVEY)
MAP NO. 1200HC0804H
FIRM INDEX DATE: JANUARY 29, 2021
FLOOD ZONES: "X"

BEST MANAGEMENT PRACTICES SHALL BE UTILIZED TO MINIMIZE ANY ON SITE EROSIONS IN ADDITION TO BEST MANAGEMENT PRACTICES, AS A MINIMUM, SILT FENCE SHALL BE INSTALLED AROUND THE PERIMETER OF THE DEVELOPMENT AREA TO MINIMIZE SEDIMENTATION FROM LEAVING THE SITE.



THE LOT DRAINAGE PLAN HAS BEEN PREPARED FOR THE PROPOSED SINGLE-FAMILY RESIDENCE AND ASSOCIATED IMPROVEMENTS ON THE SUBJECT LOT.

WAGEE, TODD C. WAGEE, CHERYL D
527 SUNSET BLVD
MELBOURNE BEACH, FL 32951

BENNETT ENGINEERING & CONSULTING, LLC
4940 RANCHLAND ROAD
MELBOURNE, FLORIDA 32936
(321) 822-4462

KNOW IT NOW, INC.
5220 US HIGHWAY 1, #10
VERO BEACH, FL 32957
(888) 396-7770

527 SUNSET BLVD
MELBOURNE BEACH, FL 32951

ACCOUNT NO: 2847267

00110-1100211 DATE ACCE = 20 07 00 (±10 17 00)

- 0.37 ACRES

SCALE: 1"=20'



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CONSUMERS

3

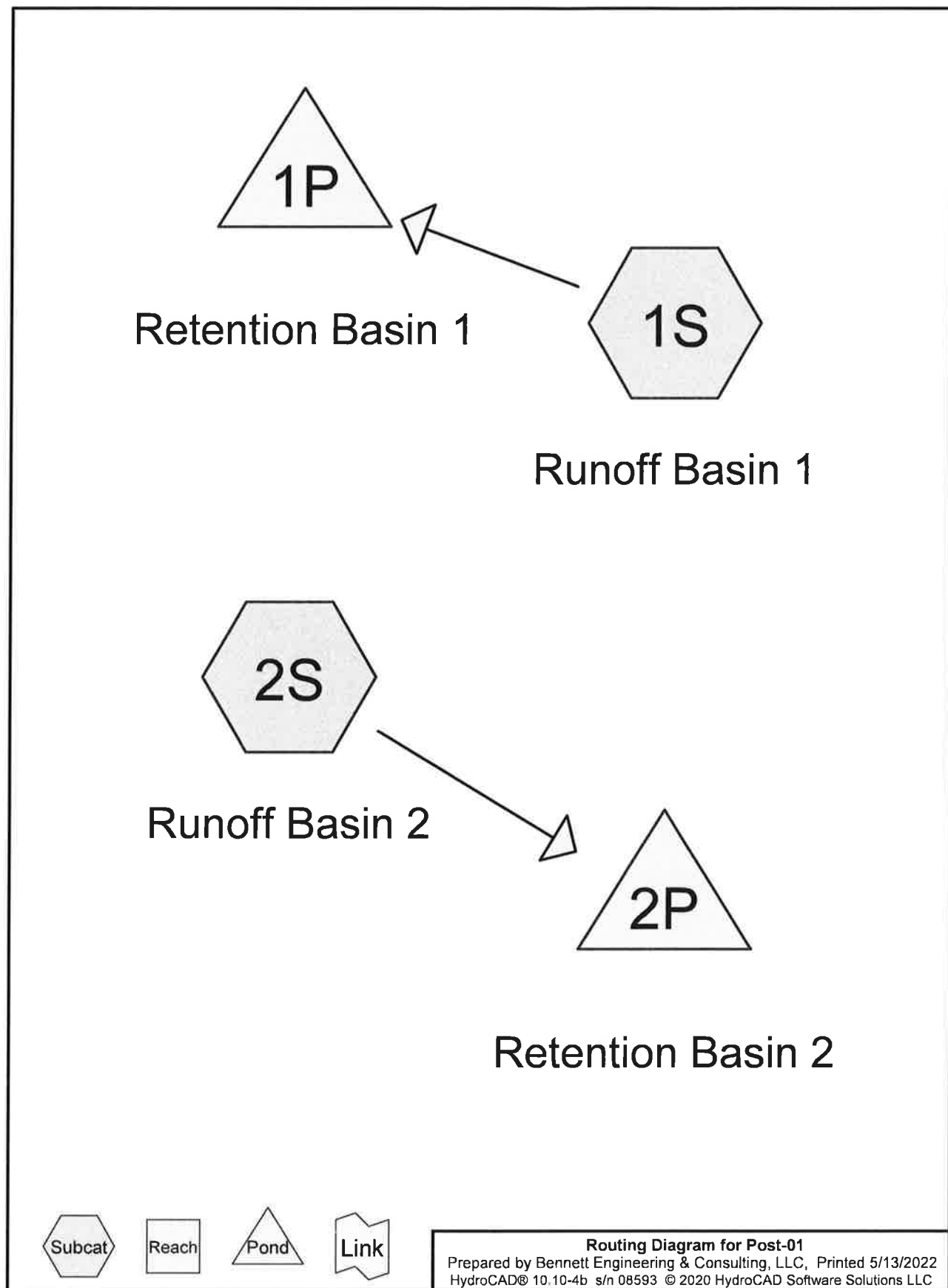
DESIGNED BY	DATE
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11



APPENDIX B

POST DEVELOPMENT STORMWATER CALCULATIONS



Post-01

Prepared by Bennett Engineering & Consulting, LLC
HydroCAD® 10.10-4b s/n 08593 © 2020 HydroCAD Software Solutions LLC

Printed 5/13/2022
Page 2

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	10y-24h	Type II FL 24-hr		Default	24.00	1	8.00	2

Post-01

Prepared by Bennett Engineering & Consulting, LLC
 HydroCAD® 10.10-4b s/n 08593 © 2020 HydroCAD Software Solutions LLC

Type II FL 24-hr 10y-24h Rainfall=8.00"

Printed 5/13/2022

Page 3

Summary for Subcatchment 1S: Runoff Basin 1

Runoff = 0.70 cfs @ 12.17 hrs, Volume= 0.093 af, Depth> 6.32"

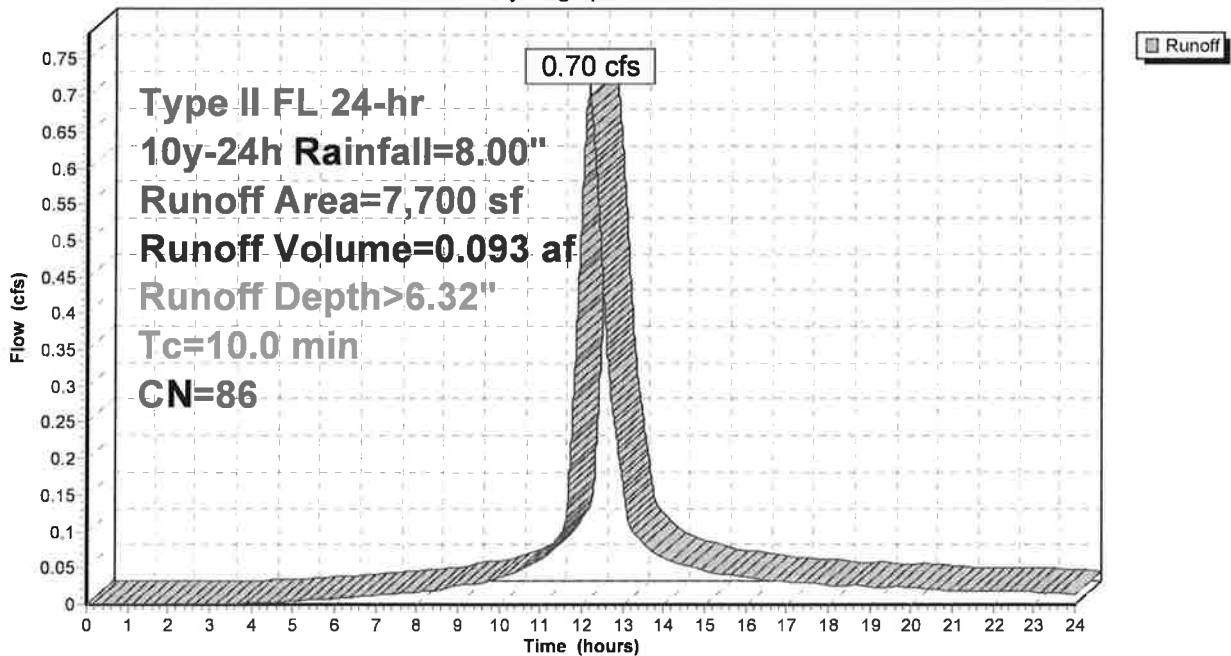
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type II FL 24-hr 10y-24h Rainfall=8.00"

	Area (sf)	CN	Description
*	1,373	100	Retention Swale
*	4,700	98	Roof, Paved parking, HSG A
	1,627	39	>75% Grass cover, Good, HSG A
	7,700	86	Weighted Average
	1,627		21.13% Pervious Area
	6,073		78.87% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
10.0					Direct Entry,

Subcatchment 1S: Runoff Basin 1

Hydrograph



Post-01

Prepared by Bennett Engineering & Consulting, LLC
 HydroCAD® 10.10-4b s/n 08593 © 2020 HydroCAD Software Solutions LLC

Type II FL 24-hr 10y-24h Rainfall=8.00"

Printed 5/13/2022

Page 4

Summary for Subcatchment 2S: Runoff Basin 2

Runoff = 0.62 cfs @ 12.17 hrs, Volume= 0.081 af, Depth> 5.85"

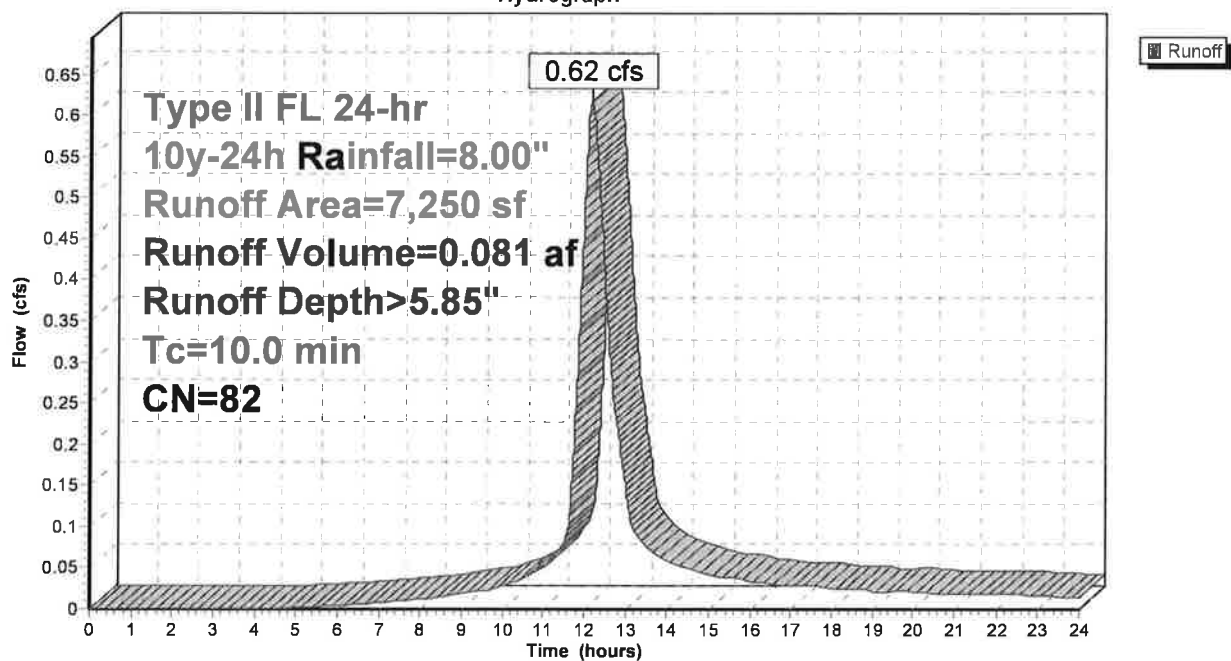
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type II FL 24-hr 10y-24h Rainfall=8.00"

	Area (sf)	CN	Description
*	1,740	100	Retention Swale
*	3,540	98	Roof, Paved parking, HSG A
	1,970	39	>75% Grass cover, Good, HSG A
	7,250	82	Weighted Average
	1,970		27.17% Pervious Area
	5,280		72.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
10.0					Direct Entry,

Subcatchment 2S: Runoff Basin 2

Hydrograph



Post-01

Prepared by Bennett Engineering & Consulting, LLC
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Type II FL 24-hr 10y-24h Rainfall=8.00"

Printed 5/13/2022

Page 5

Summary for Pond 1P: Retention Basin 1

Inflow Area = 0.177 ac, 78.87% Impervious, Inflow Depth > 6.32" for 10y-24h event
 Inflow = 0.70 cfs @ 12.17 hrs, Volume= 0.093 af
 Outflow = 0.51 cfs @ 12.44 hrs, Volume= 0.093 af, Atten= 27%, Lag= 16.4 min
 Discarded = 0.51 cfs @ 12.44 hrs, Volume= 0.093 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 6.88' @ 12.44 hrs Surf.Area= 1,351 sf Storage= 514 cf

Plug-Flow detention time= 7.5 min calculated for 0.093 af (100% of inflow)
 Center-of-Mass det. time= 7.4 min (809.2 - 801.8)

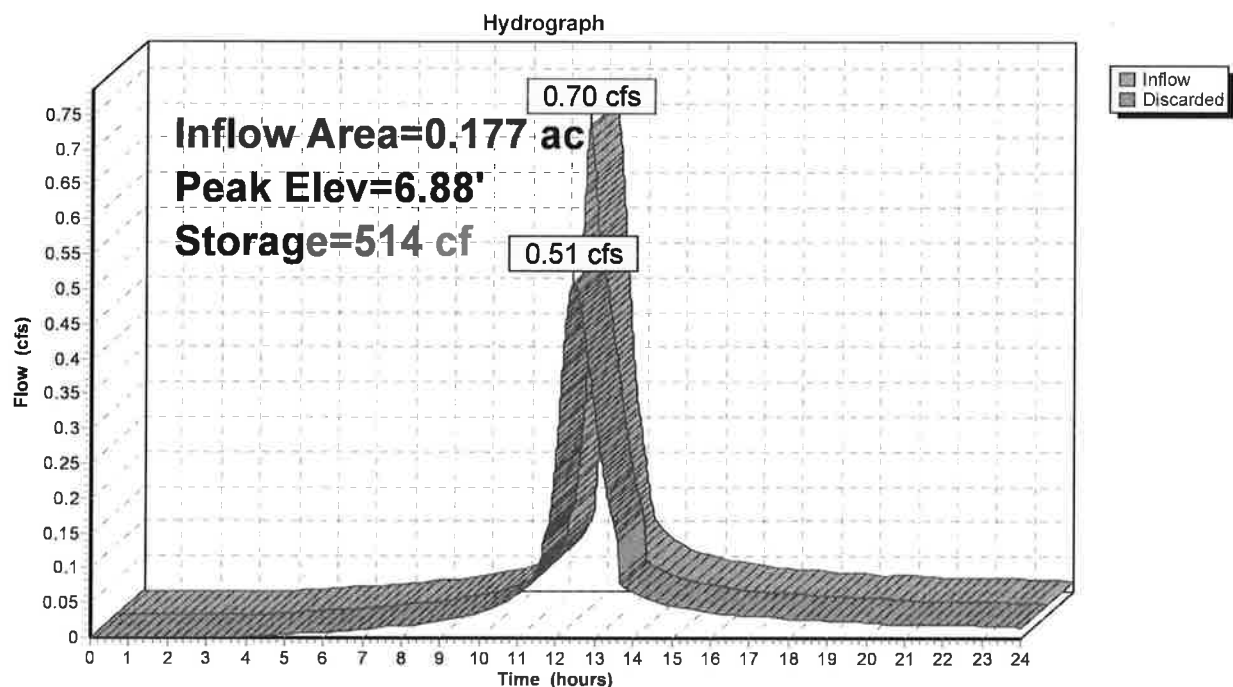
Volume	Invert	Avail. Storage	Storage Description
#1	6.40'	537 cf	Custom Stage Data (Irregular) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)
6.40	802	115.0	0	0	802
6.90	1,373	187.0	537	537	2,534

Device	Routing	Invert	Outlet Devices
#1	Discarded	6.40'	7.500 in/hr Exfiltration over Wetted area Conductivity to Groundwater Elevation = 4.90'

Discarded OutFlow Max=0.51 cfs @ 12.44 hrs HW=6.88' (Free Discharge)
 ↳ Exfiltration (Controls 0.51 cfs)

Pond 1P: Retention Basin 1



Post-01

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Type II FL 24-hr 10y-24h Rainfall=8.00"

Printed 5/13/2022

Page 6

Summary for Pond 2P: Retention Basin 2

Inflow Area = 0.166 ac, 72.83% Impervious, Inflow Depth > 5.85" for 10y-24h event
 Inflow = 0.62 cfs @ 12.17 hrs, Volume= 0.081 af
 Outflow = 0.56 cfs @ 12.30 hrs, Volume= 0.081 af, Atten= 9%, Lag= 7.9 min
 Discarded = 0.56 cfs @ 12.30 hrs, Volume= 0.081 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 6.62' @ 12.30 hrs Surf.Area= 1,142 sf Storage= 206 cf

Plug-Flow detention time= 2.8 min calculated for 0.081 af (100% of inflow)
 Center-of-Mass det. time= 2.7 min (815.9 - 813.2)

Volume	Invert	Avail.Storage	Storage Description
#1	6.40'	611 cf	Custom Stage Data (Irregular) Listed below (Recalc)

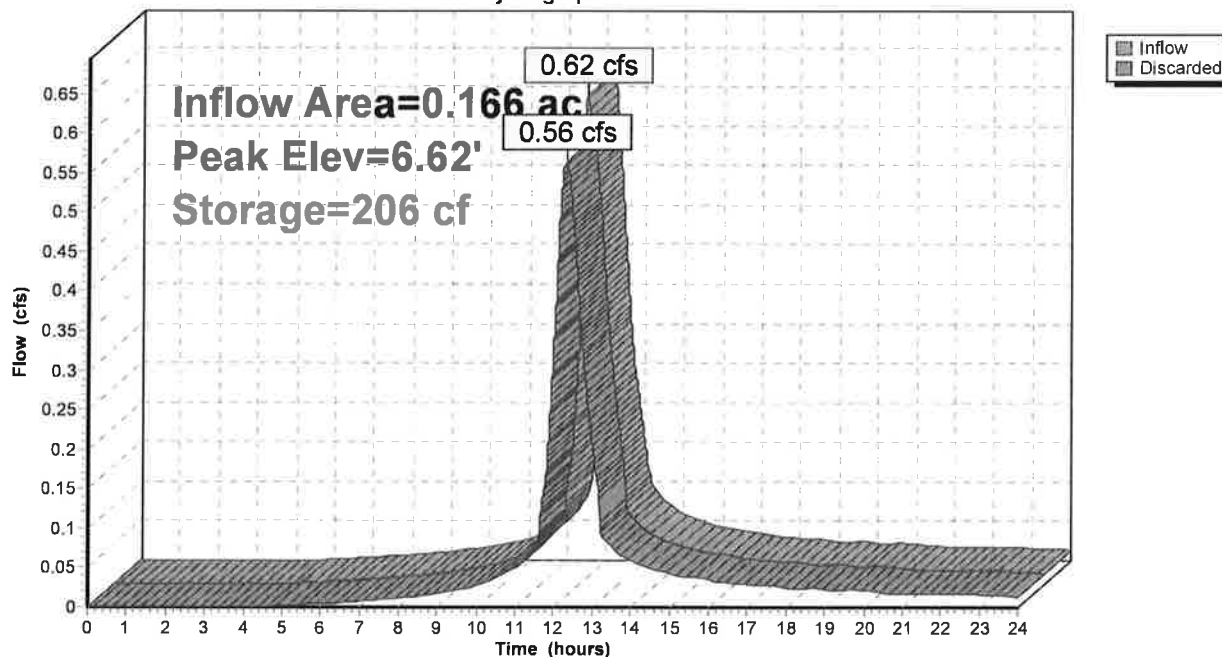
Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)
6.40	768	177.0	0	0	768
6.90	1,740	330.0	611	611	6,942

Device	Routing	Invert	Outlet Devices
#1	Discarded	6.40'	7.500 in/hr Exfiltration over Wetted area Conductivity to Groundwater Elevation = 4.90'

Discarded OutFlow Max=0.56 cfs @ 12.30 hrs HW=6.62' (Free Discharge)
 1=Exfiltration (Controls 0.56 cfs)

Pond 2P: Retention Basin 2

Hydrograph



APPENDIX C

Soils Report

Prepared by KSM Engineering and Testing
KSM #: 2204472-p
Dated May 10, 2022

*Soils report included for informational purposes only and
Not part of the Engineer's Certification*

May 10, 2022

Monarch Homes of Brevard, LLC
Brian Fleis
1275 South Patrick Drive, Suite K
Satellite Beach, FL 32937

**Re: 527 Sunset Boulevard
Melbourne Beach, Florida
KSM Project #: 2204472-p**

Dear Mr. Fleis:

As requested, KSM performed a site investigation at the proposed site. The tests and observations noted in this report were performed to evaluate the drainage characteristics of the soils discovered in the test location.

Usual Open-Hole Test (in-field) – At the test location, an in-field permeability test was performed in general conformance with the South Florida Water Management District described procedures for the 'Usual Open-Hole Test' method. The results of the in-field test can be found in Table 1:

Table 1 - Usual Open-Hole Test Results	
Test Location (See Location Plan)	Hydraulic Conductivity (CFS/SF- Ft Head)
P-1	7.4×10^{-4}

NOTES:

- 1) The above hydraulic conductivity values are for a French drain installed to the same depth as the borehole tests. The designer should apply the appropriate factor of safety.
- 2) A hole diameter of 3" was used in the computation of the Hydraulic Conductivity values presented in the above table.

Constant Head Permeability Test (in-lab) – The horizontal and vertical permeability flow rates were determined by excavating a test pit adjacent to the soil profile and obtaining undisturbed shelly tube samples. We then performed constant head permeability tests on the field samples in our laboratory in general accordance with ASTM D2434. Table 2 indicates the horizontal and vertical flow rates for the test location.

Table 2 - Constant Head Permeability Results (ASTM D2434)			
Test Location (See Location Plan)	Horizontal Flow Rate (in/hr)	Vertical Flow Rate (in/hr)	Layer Depth (in)
P-1	19.2	15.0	0-15
	32.1	27.7	15-32
	--	18.3	32-50
	--	16.4	50-60

Estimated Normal Wet Season & Dry Season Water Table – Table 3 indicates the observed water table and our estimated normal wet season water table and normal dry season water table for the test location. This estimate is based upon our interpretation of existing site conditions and a review of the USDA Soil Survey for Brevard County, Florida.

The majority of the site soils are mapped as 25—Canaveral-Palm Beach-Urban land complex, according to the Soil Survey Map of Brevard County, Florida.

Table 3 - Water Table Observations			
Test Location (See Location Plan)	Observed Water Table	Estimated Wet Season Water Table	Estimated Dry Season Water Table
P-1, PHA-1	50" Below Grade	25" Below Grade	61" Below Grade

Hydrologic Soil Group Classification – The soils in the test location can be classified in accordance with Chapter 7, Part 630 of the USDA National Engineering Handbook as follows:

Table 4 – Hydrologic Soil Group Classification	
Test Location (See Location Plan)	Hydrologic Soil Group
P-1	A

The soils in test location P-1 are part of the hydrologic soil group "A" due to the very low fines content and the very high hydraulic conductivity rates of the soils within the depth range (0 to 20 inches), the absence of a water impermeable layer and the depth to high season water table which is greater than 24 inches from the surface.

Note that the Hydrologic Soil Group is a dynamic classification which changes with the conditions of the site at any given moment. Changes in water table elevation as well as changes in the ground elevations of the site can affect the hydrologic soil group for any particular location.

We are please to be of assistance to you on this phase of your project. If you have any questions or if we may be of further service to you, please feel free to contact the office.

Respectfully,



Christopher S. LeBrun

Christopher S. LeBrun, E.I.
Geotechnical Engineer
Florida Lic. No. 1100022858
5/10/2022

Cody C. Clawson, P.E.
Geotechnical Engineer
Florida Lic. No. 91598
5/10/2022

CCC/cv

Email to: brian@monarchhomesfl.com; cbennett@cfl.rr.com

KSM Engineering & Testing
P.O. Box 78-1377
Sebastian, FL 32978
Tel: (772)-589-0712
Fax: (772)-589-6469

BORING NUMBER PHA-1

PAGE 1 OF 1

CLIENT Monarch Homes of Brevard, LLC

PROJECT NAME 527 Sunset Boulevard

PROJECT NUMBER 2204472-p

PROJECT LOCATION Melbourne Beach, Florida

DATE STARTED 5/4/22 COMPLETED 5/4/22

GROUND ELEVATION _____ **HOLE SIZE** inches

DRILLING CONTRACTOR

GROUND WATER LEVELS:

DRILLING METHOD

▽ AT TIME OF DRILLING 4.17 ft

LOGGED BY DP CHECKED BY CCC

AT END OF DRILLING ---

NOTES See Attached Location Plan

AFTER DRILLING ---

[illegible]

Bottom of borehole at 6.0 feet.

GEOTECH BH PLOTS - GINT STD US LAB.GDT - 5/7/22 10:08 - K:\KSM FILES\22 DOCS (KSM-SERVER)\2204472\SOIL INVESTIGATION\2204472-P.GPJ



LOCATION OF SOIL TESTING

PROJECT: 527 Sunset Boulevard, Melbourne Beach, Florida

SHEET 1 OF 2

PERMIT #:

PROJECT #: 220442-P
 BEC No. 22.190

KCSM ENGINEERING AND TESTING

527 Sunset Blvd
 Melbourne Beach, FL 32951

DRAWN BY: C.V.

DESIGNED BY: C.C.C.

DATE: 20220507

SCALE: 1" = 10' NOT TO SCALE



USDA SOILS SURVEY

25—Canaveral-Palm Beach-Urban land complex

PROJECT: 527 Sunset Boulevard, Melbourne Beach, Florida

SHEET 2 OF 2

PERMIT #:

PROJECT #: 20200507
BEC No. 22.190

**KSM ENGINEERING
AND TESTING**

527 Sunset Blvd
Melbourne Beach, FL 32951

Sunrise Water Management Plan
Page 6 of 10

DRAWN BY: C.V.
DESIGNED BY: C.C.C.
DATE: 2020507
SCALE: NOT TO SCALE

GENERAL NOTES

1. PROPOSED BUILDING ENVELOPE INDICATES MAXIMUM EXTERIOR WALL DIMENSIONS ONLY.
2. BOUNDARY & TOPOGRAPHIC INFORMATION WAS PROVIDED BY KNOW IT NOW, INC., PROFESSIONAL SURVEYING AND MAPPING, JOB NO. 2203-085, LATEST REVISION DATED 03/09/2022.
3. ELEVATIONS ARE BASED ON NAVD, 1988 DATUM.
4. CONTOURS ARE APPROXIMATE ONLY.
5. THE SOLID WASTE WITHIN THE PROJECT SITE WILL BE PICKED UP BY CURBSIDE PICKUP.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED WITHIN ROAD AND DRAINAGE RIGHT-OF-WAY AS A DIRECT RESULT OF NEW CONSTRUCTION.
7. THE CONTRACTOR SHALL CONTACT SUNSHINE ONE (1-800-432-4770) AND ALL CONCERNED UTILITIES AT LEAST 48 HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND DOCUMENT THE ACTUAL LOCATION AND EXTENT OF ALL EXISTING UTILITIES WHICH MAY AFFECT CONSTRUCTION. EXISTING UTILITIES SHOWN ARE BASED UPON THE BEST AVAILABLE INFORMATION SUPPLIED TO THE OWNER/ENGINEER AND IS SHOWN FOR INFORMATIONAL PURPOSE ONLY. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE UTILITY OWNER.

GRADING NOTES

1. IMPERVIOUS PAVEMENT ADJACENT TO THE BUILDING SHALL SLOPE AWAY FROM THE BUILDING A MINIMUM OF 2% FOR THE FIRST 10 FEET.
2. THE FINISHED PAVEMENT GRADE ADJACENT TO THE GARAGE DOOR(S) SHALL BE SET 1/8" BELOW THE ADJACENT GARAGE SLAB ELEVATION AND BE SLOPED AWAY FROM THE GARAGE AT A MINIMUM OF A 2% SLOPE FOR 10 FEET.
3. FINISHED EARTH GRADES ADJACENT TO THE BUILDING SHALL BE A MINIMUM OF 6" BELOW THE FINISHED FLOOR ELEVATION AND THE GRADE SHALL FALL AWAY FROM THE BUILDING A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.

MINIMUM FINISHED FLOOR ELEVATION:

TOWN OF MELBOURNE BEACH
MINIMUM OF 18" ABOVE CROWN OF ROAD
MINIMUM FFE = 6.91' + 1.5' = 8.41 FT

FEMA:

FLOOD ZONE "X", NO ADDITIONAL FLOOD REQUIREMENTS

LEGAL DESCRIPTION: (BY SURVEYOR)

LOT 76 AND THE EAST 1/2 OF LOT 77, SUNSET BAY SUBDIVISION OF LOT(S) 2 AND 3 OF GRAVE'S SUBDIVISION, ALSO OF LOT KNOWN AS C. V. GILL'S LOT ADJOINING ON THE SOUTH, ALL IN SECTIONS 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 38 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

NATIONAL FLOOD INSURANCE INFORMATION:

(AS PROVIDED ON THE SURVEY)
MAP NO. 12009C0604H
FIRM INDEX DATE: JANUARY 29, 2021
FLOOD ZONES: "X"

EROSION NOTES:

BEST MANAGEMENT PRACTICES SHALL BE UTILIZED TO MINIMIZE ANY ON SITE EROSIONS, IN ADDITION TO BEST MANAGEMENT PRACTICES, AS A MINIMUM, SILT FENCE SHALL BE INSTALLED AROUND THE PERIMETER OF THE DEVELOPMENT AREA TO MINIMIZE SEDIMENTATION FROM LEAVING THE SITE.



TOWNSHIP 28S, RANGE 38E, SECTION 06

VICINITY MAP
NTS

GENERAL STATEMENT:

THE LOT DRAINAGE PLAN HAS BEEN PREPARED FOR THE PROPOSED SINGLE-FAMILY RESIDENCE AND ASSOCIATED IMPROVEMENTS ON THE SUBJECT LOT.

OWNER:

MAGEE, TODD C; MAGEE, CHERYL D
527 SUNSET BLVD
MELBOURNE BEACH, FL 32951

ENGINEER:

BENNETT ENGINEERING & CONSULTING, LLC
4940 RANCHLAND ROAD
MELBOURNE, FLORIDA 32934
(321) 622-4462

SURVEYOR:

KNOW IT NOW, INC.
5220 US HIGHWAY 1, #104
VERO BEACH, FL 32967
(888) 396-7770

SITE ADDRESS:

527 SUNSET BLVD
MELBOURNE BEACH, FL 32951

PARCEL ID: 28-38-06-7B-Y-76

ACCOUNT NO: 2847267

SITE AREA: SITE AREA = ±0.37 AC (±16,117 SF)



Digitally signed by Clayton A Bennett
Date: 2022.05.13 14:50:34 -04'00'

This item has been digitally signed and sealed by Clayton A. Bennett, PE on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

GRAPHIC SCALE



SHEET INDEX:

C-1 LOT DRAINAGE PLAN



SCALE: 1"=20'

MAGEE, TODD C; MAGEE, CHERYL D
527 SUNSET BLVD
SPRINGFIELD MO 65810

MAGEE RESIDENCE
527 SUNSET BLVD

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		

Bennett Engineering & Consulting

4940 RANCHLAND ROAD
MELBOURNE, FL 32934
(321) 622-4462
FAX (321) 622-4462
CA# 28236

CLAYTON A. BENNETT
P.E., NO. 53129

DATE
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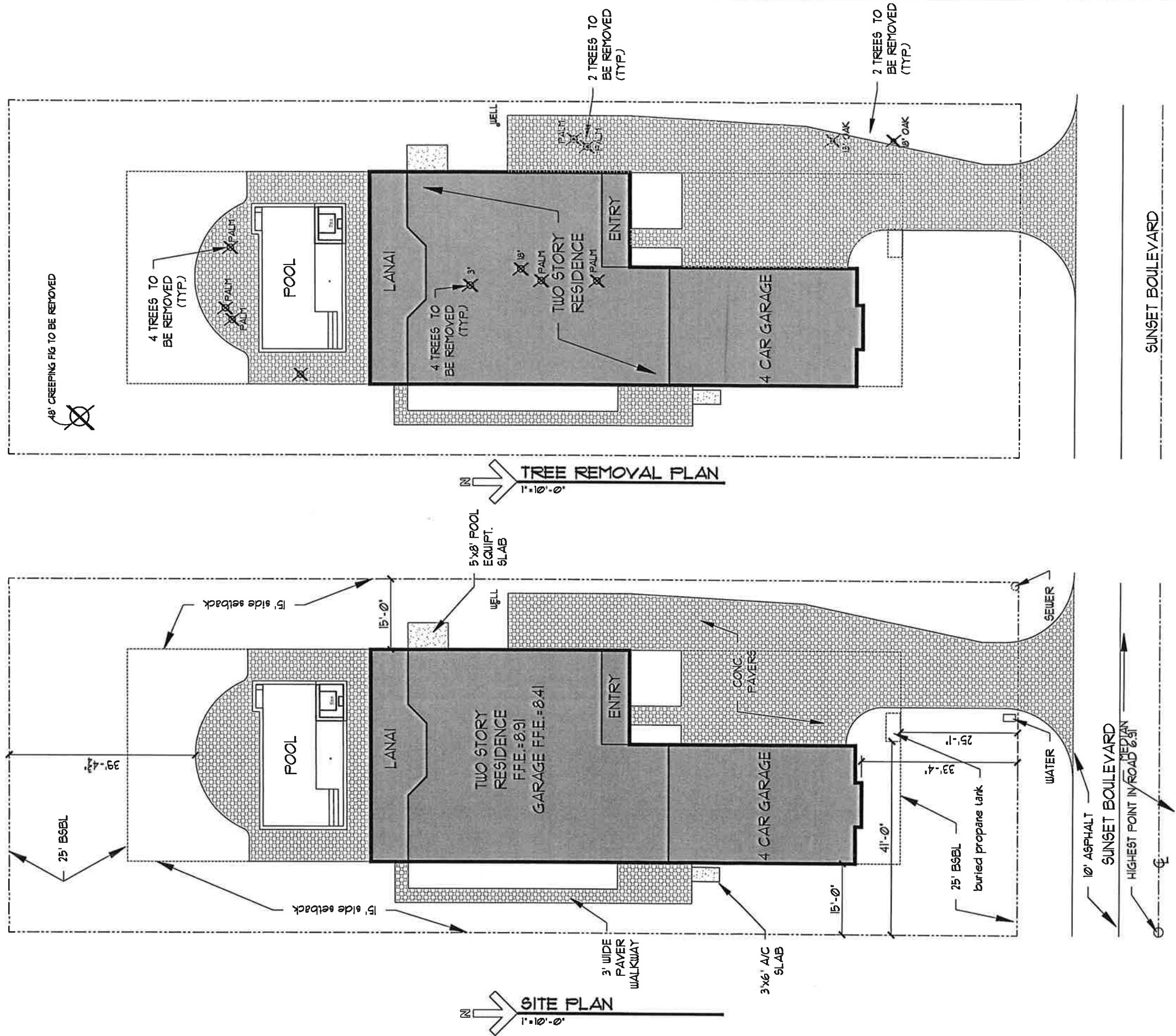
THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED HERE:

DATE

DESIGNED: CAB	DATE 5/13/22
DRAWN BY: CAB	5/13/22
CHECKED:	
APPROVED:	
ACAD CODE: 22190M01.DWG	
PROJECT NO: 22.190	

LOT DRAINAGE PLAN

C-1
SHEET 1 OF 1



REVISIONS	BY

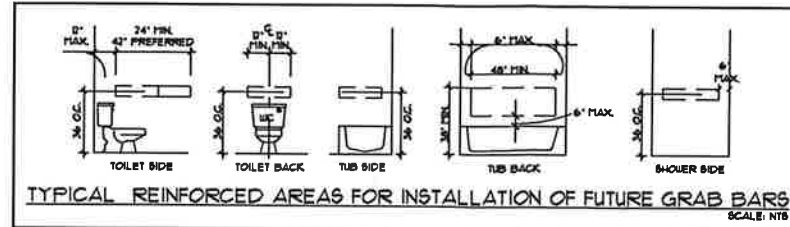
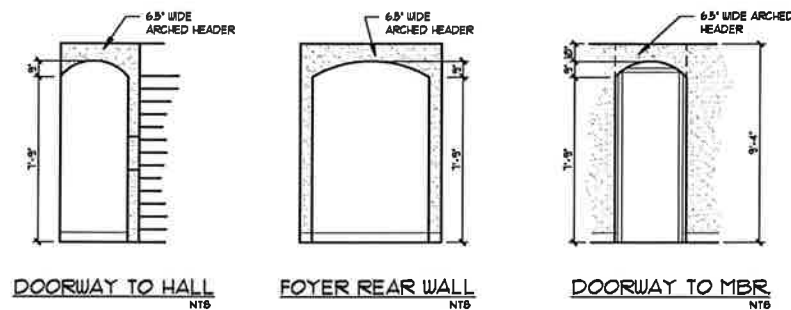
A BETTER PLAN, INC.
 "Better Design Equals Better Homes"
 1270 N. Wickham Rd. Suite 16 #404,
 Melbourne, FL 32955
 PH (321) 255-6475
 EMAIL: doug.hogan@abetterplaninc.com
 WEB SITE: http://www.abetterplaninc.com

MONARCH HOMES
 1275 SOUTH PATRICK DRIVE, SUITE K,
 SATELLITE BEACH, FLORIDA 32937
 (321) 771-2701

MAGEE RESIDENCE
 527 SUNSET BLVD. MELBOURNE BEACH, FLORIDA

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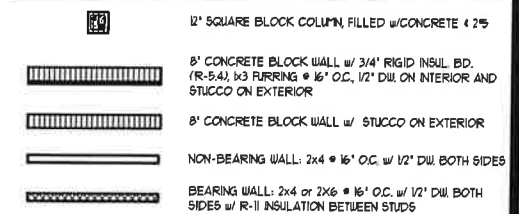
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DATE 5/1/2022
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JOB NO. 102-22
SHEET C-1
OF 14 SHEETS



CONSTRUCTION NOTES:

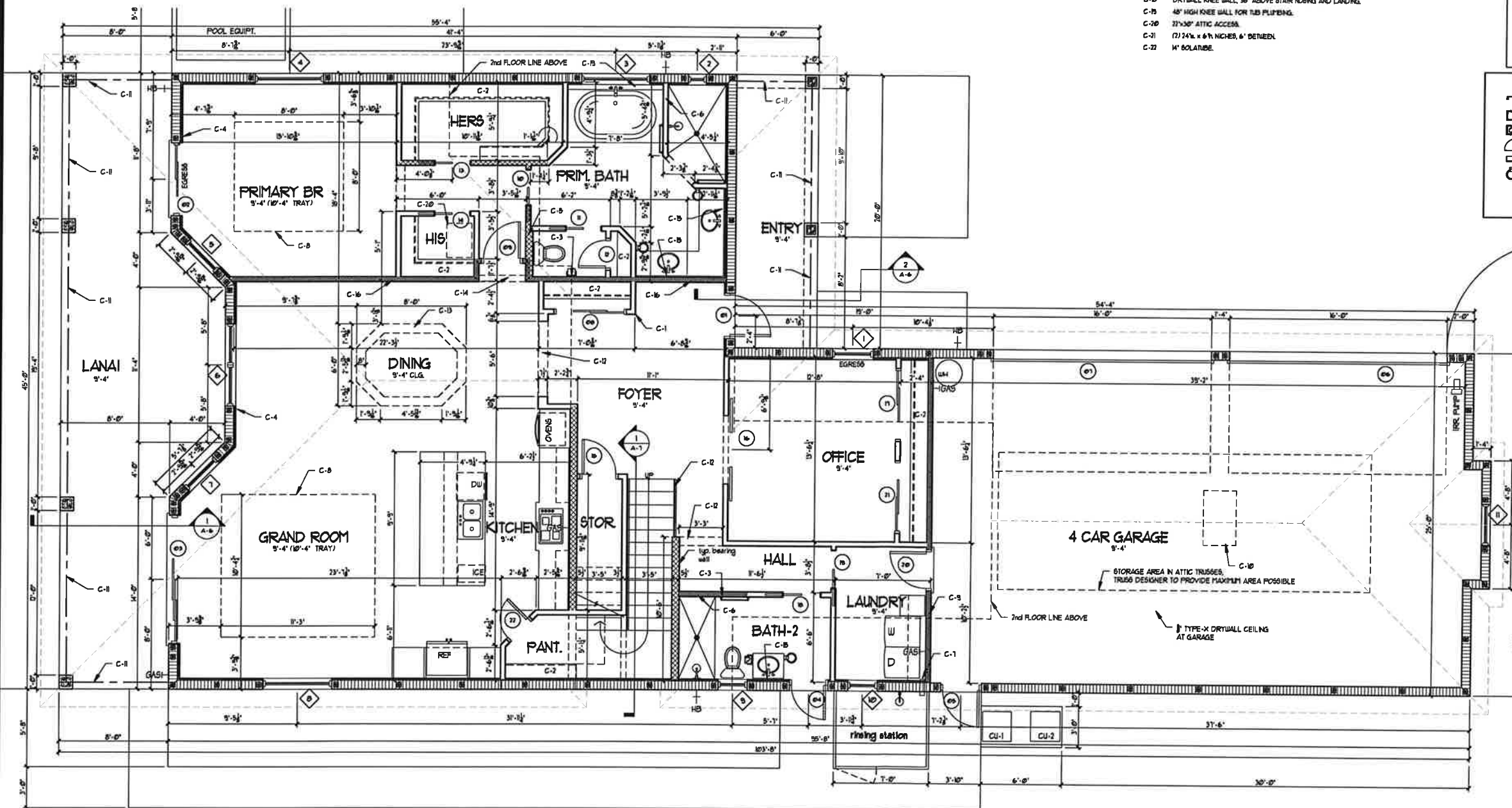
- C-1 ALL DRYWALL BEADS AND TRIM SHALL BE PVC, OUTSIDE CORNERS SHALL USE RADIUS BEADS, SQUARE AT WINDOW RETURN & RAISED CEILING.
- C-2 ALL CLOSET SHELVING SHALL BE WIRE PESH UNLESS NOTED OTHERWISE, COORDINATE CONFIGURATIONS WITH BUILDER.
- C-3 PROVIDE SUFFICIENT SUPPORT BLOCKING FOR ALL FIXTURES AND ACCESSORIES AS REQUIRED BY MANUFACTURER.
- C-4 INSTALL WALL BLOCKING AROUND ALL WINDOWS FOR BLIND AND CURTAIN MOUNTING.
- C-5 2x6 STUD WALL WHERE SHOWN ON PLAN.
- C-6 INSTALL WALL BLOCKING IN ALL SHOWERS AND TUBS FOR FUTURE GRAB BARS.
- C-7 "DRYERBOX" AND VENT THROUGH THE WALL.
- C-8 RECESSED TRAY, SEE DETAIL ON SHEET A-3.
- C-9 R-13 WALL INSULATION AT INTERIOR GARAGE WALL.
- C-10 36\"/>

WALL LEGEND



SQ. FT. TABULATIONS

FIRST FLOOR	2158 SQ.FT.
SECOND FLOOR	775 SQ.FT.
TOTAL LIVING	2933 SQ.FT.
ATTIC STORAGE	177 SQ.FT.
GARAGE	1011 SQ.FT.
LANAI	421 SQ.FT.
ENTRY	120 SQ.FT.
TOTAL	4662 SQ.FT.
CONDITIONED VOL.	29410 CU.FT.



FIRST FLOOR PLAN
1/4\"/>

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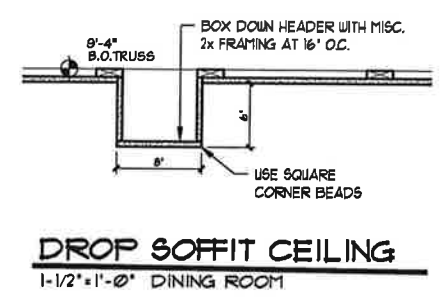
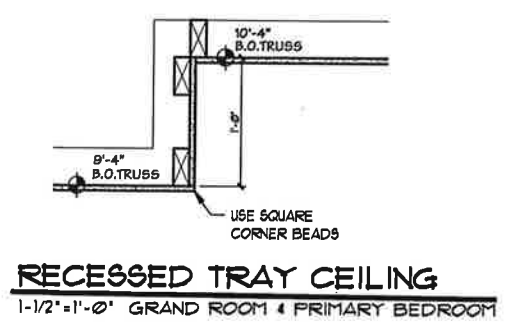
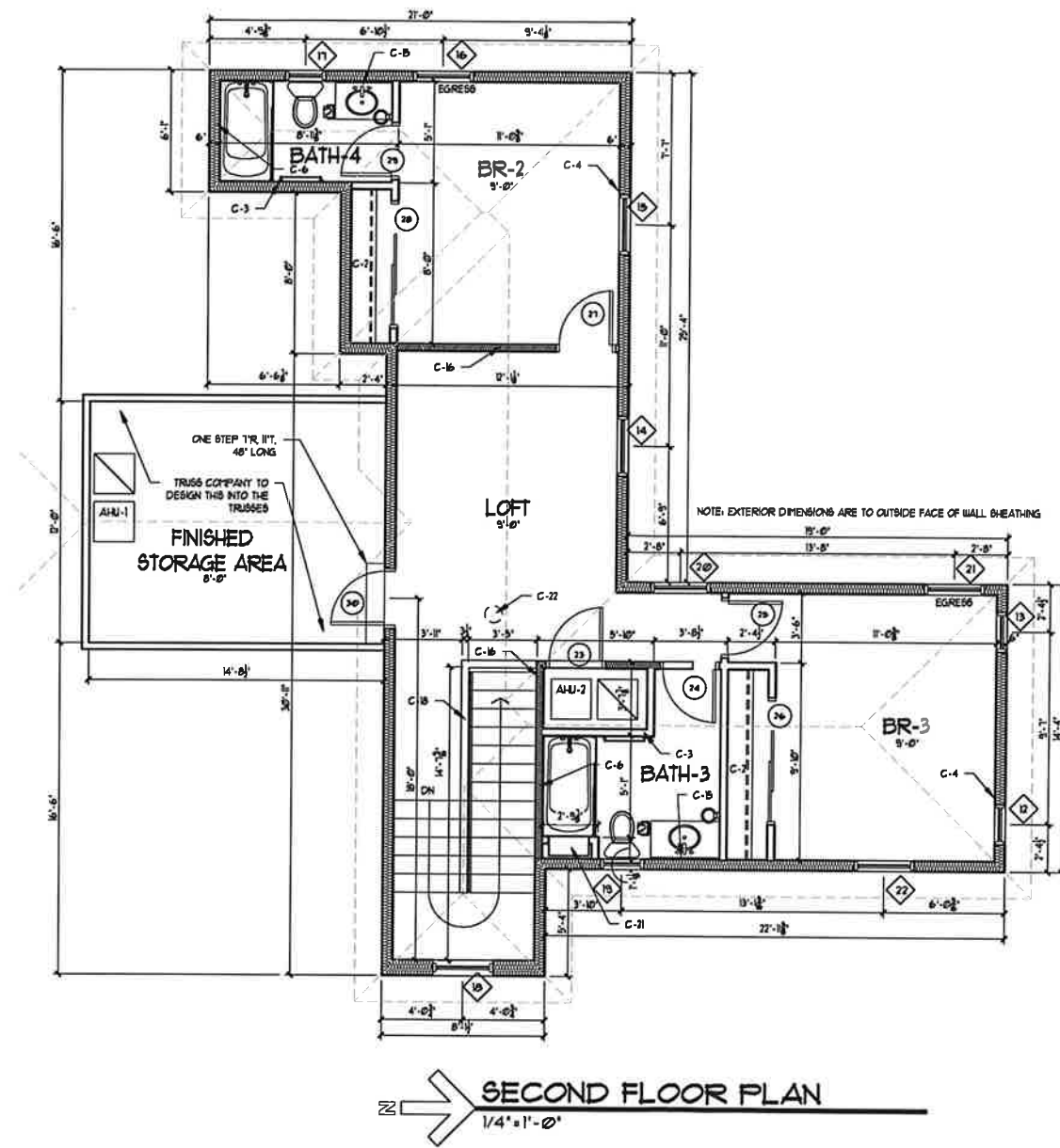
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3/11/2022
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102-22
SHEET

A-2

OF 14 SHEETS



Door Schedule (Doors and hardware as selected by owner)									
Tag #	Type	Material	Width	Height	Thickness	Glazing	Frame Type	Frame Mat'l	Remarks
1	Entry	Fiberglass	3'-0"	8'-0"	1-3/4"	Impact	Rectangular	Wood	Paneled, thr. ent. lockset, db, ws
2	Double Sl.Gl.	Vinyl/Glass	6'-0"	8'-0"	--	Impact	Rectangular	Alum	
3	Triple Sl.Gl.	Vinyl/Glass	8'-0"	8'-0"	--	Impact	Rectangular	Alum	
4	Entry	Fiberglass	2'-8"	6'-8"	1-3/4"		Rectangular	Comp.	Paneled, thr. ent. lockset, db, ws,
5	Entry	Fiberglass	2'-8"	6'-8"	1-3/4"		Rectangular	Comp.	Paneled, thr. ent. lockset, db, ws,
6	Garage	Steel	16'-0"	7'-0"	--		Rectangular	Stl	Carriage style door
7	Garage	Steel	16'-0"	7'-0"	--		Rectangular	Stl	Carriage style door
8	Bypass	MDF	5'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
9	Single	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, privacyset
10	Pocket	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
11	Pocket	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
12	Single	MDF	2'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset
13	Pocket	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
14	Pocket	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
15	Single	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset
16	Dbl. Barn	MDF	5'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
17	Bypass	MDF	5'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
18	Pocket	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
19	Pocket	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset
20	Single	MDF, SC	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, lockset, closer, rated, thr., weatherstrip'g.
21	Bypass	MDF	5'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
22	Single	MDF	2'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset
23	Single	MDF, SC	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset, thr., weatherstrip'g.
24	Single	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, privacyset
25	Single	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, privacyset
26	Bypass	MDF	6'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
27	Single	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, privacyset
28	Bypass	MDF	6'-0"	6'-8"	1-3/8"		Rectangular	Wood	Paneled
29	Single	MDF	2'-6"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, privacyset
30	Single	MDF	2'-8"	6'-8"	1-3/8"		Rectangular	Wood	Paneled, latchset

Window Schedule					All windows: Vinyl dbl. Pane low-E, Impact rated, Bronze exterior	
Tag #	Size	Type	Width	Height	Remarks	
1	5H25	Single Hung	36"	62"		
2	16x24	Glass Block	16"	24"	Egress	
3	6018	Fixed	60"	18"		
4	6018	Fixed	60"	18"		
5	5H25	Single Hung	36"	62"		
6	(2)5H25	Single Hung	72"	62"		
7	5H25	Single Hung	36"	62"		
8	6018	Fixed	60"	18"		
9	H33	Single Hung	25-1/2"	37-3/8"		
10	H33	Single Hung	25-1/2"	37-3/8"		
11	5H25	Single Hung	36"	62"		
12	H33	Single Hung	25-1/2"	37-3/8"		
13	H33	Single Hung	25-1/2"	37-3/8"		
14	3648	Single Hung	36"	48"		
15	3648	Single Hung	36"	48"		
16	5H25	Single Hung	36"	62"	Egress	
17	H33	Single Hung	25-1/2"	37-3/8"	Tempered Privacy Glass	
18	3660	Fixed	36"	60"		
19	H33	Single Hung	25-1/2"	37-3/8"	Tempered Privacy Glass	
20	3656	Casement	36"	56"		
21	3656	Casement	36"	56"	Egress	
22	5616	Fixed	36"	16"		

All window headers at 6'-8" A.F.F. (Unless noted otherwise) Verify masonry openings with supplier.

REVISIONS	BY

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"Better Design Equals Better Homes"
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WEBSITE: http://www.abetterplaninc.com

MONARCH HOMES
1275 SOUTH PATRICK DRIVE, SUITE K,
SATELLITE BEACH, FLORIDA 32937
(321) 777-2701

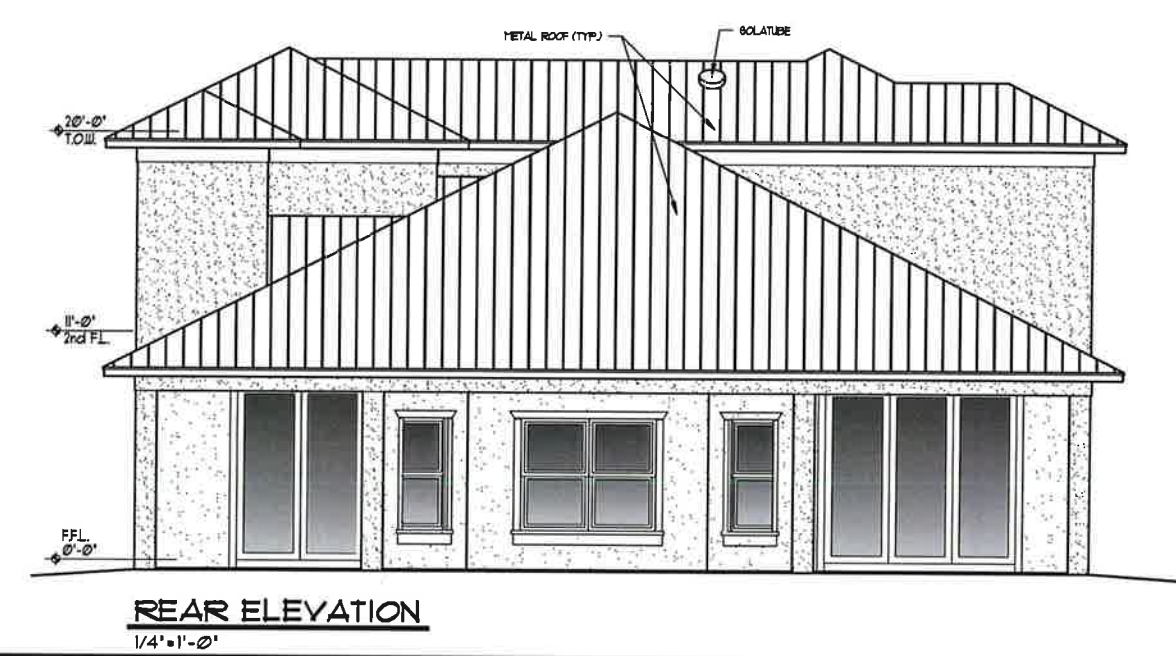
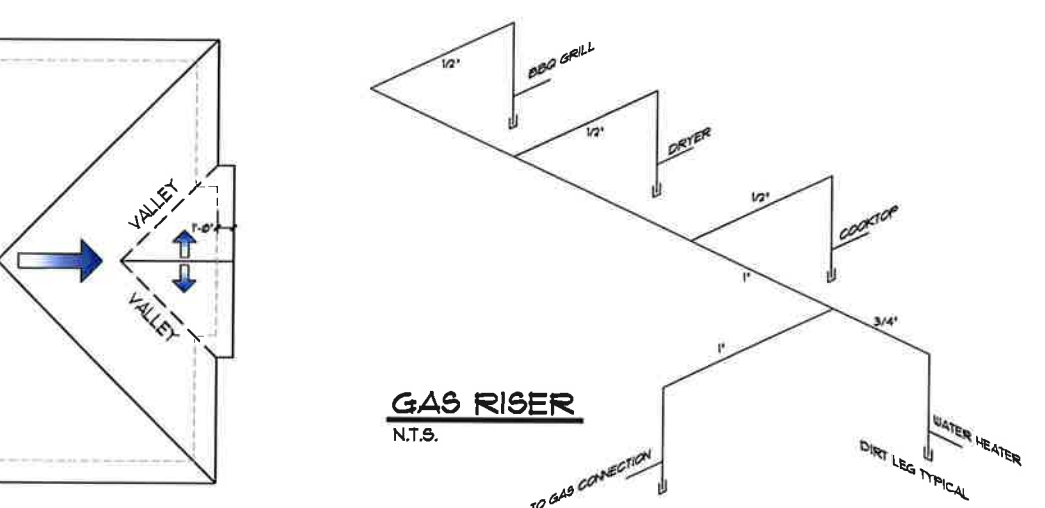
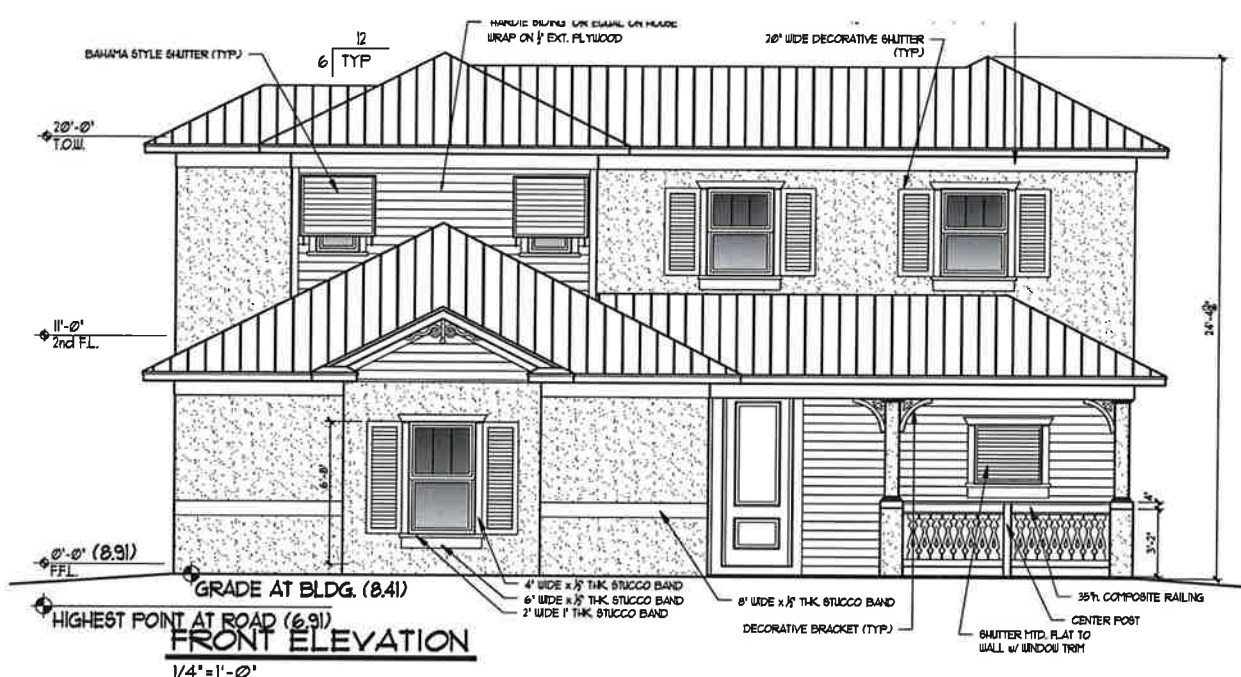
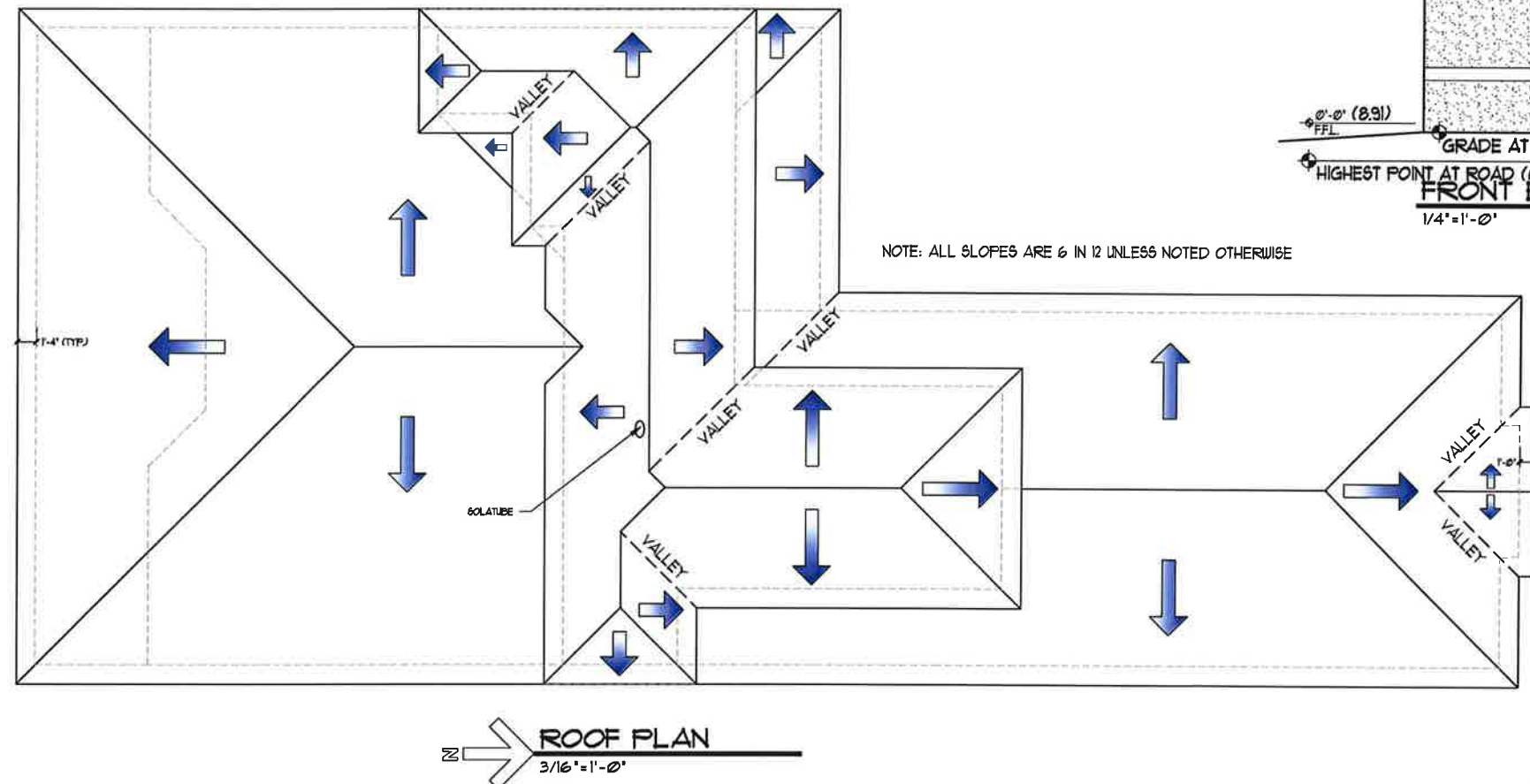
MAGEE RESIDENCE
527 SUNSET BLVD. MELBOURNE BEACH, FLORIDA

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DRAWN: DLH
CHECKED: DLH
DATE: 3/11/2022
SCALE: AS NOTED
JOB NO.: 107-22
SHEET

A-3
OF 14 SHEETS

NOT FOR CONSTRUCTION



REVISIONS	BY

A BETTER PLAN, INC.
 "Better Design Equals Better Homes"
 1270 N. Wickham Rd. Suite 16 #404,
 Melbourne, FL 32905
 PH (321) 255-6475
 EMAIL: doug@abetterplaninc.com
 WEBSITE: http://www.abetterplaninc.com

MONARCH HOMES
 1275 SOUTH PATRICK DRIVE, SUITE K,
 SATELLITE BEACH, FLORIDA 32937
 (321) 771-2701

MAGEE RESIDENCE
 527 SUNSET BLVD. MELBOURNE BEACH, FLORIDA

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DATE	3/11/2022
SCALE	AS NOTED
JOB NO.	102-22
SHEET	

A-4

OF 14 SHEETS

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LEFT SIDE ELEVATION
1/4"=1'-0"



RIGHT SIDE ELEVATION
1/4"=1'-0"

REVISIONS	BY

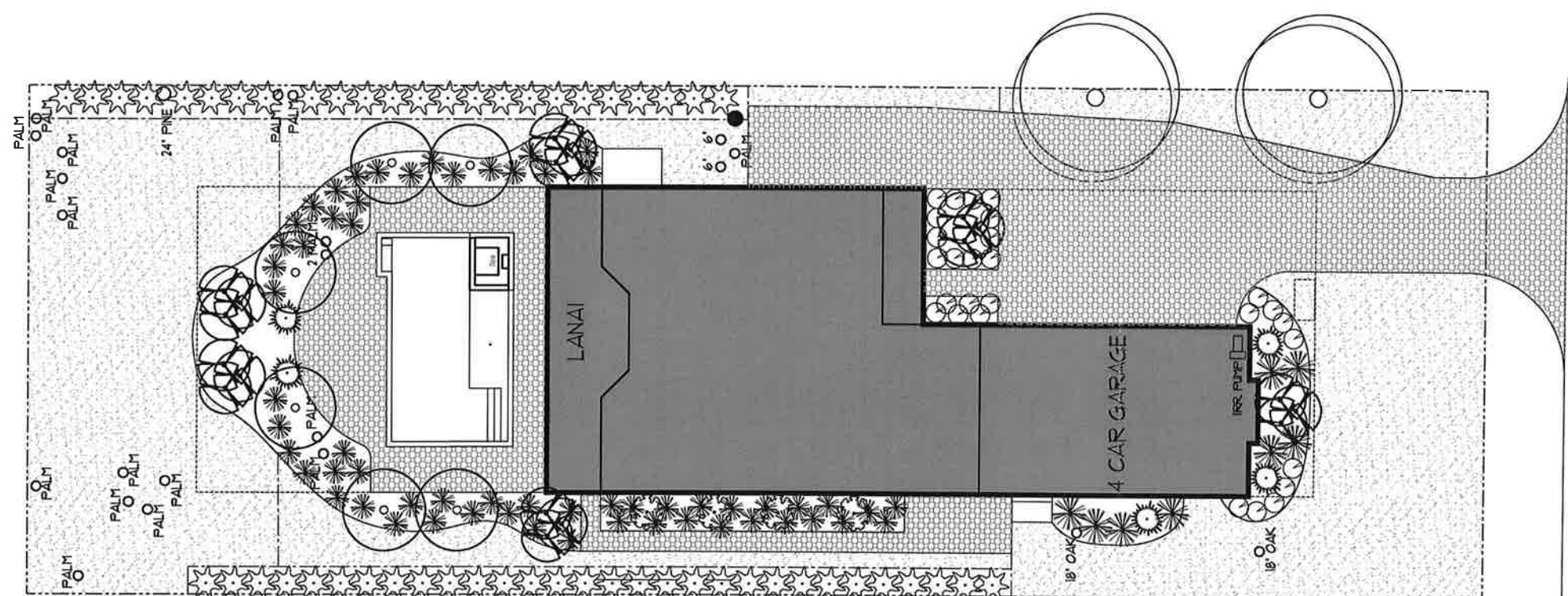
A BETTER PLAN, INC.
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MAGEE RESIDENCE
 527 SUNSET BLVD. MELBOURNE BEACH, FLORIDA

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DATE 5/11/2022
SCALE AS NOTED
JOB NO. 102-22
SHEET A-5
OF 14 SHEETS



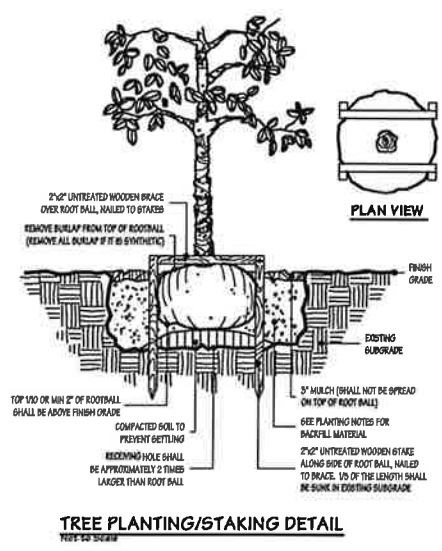
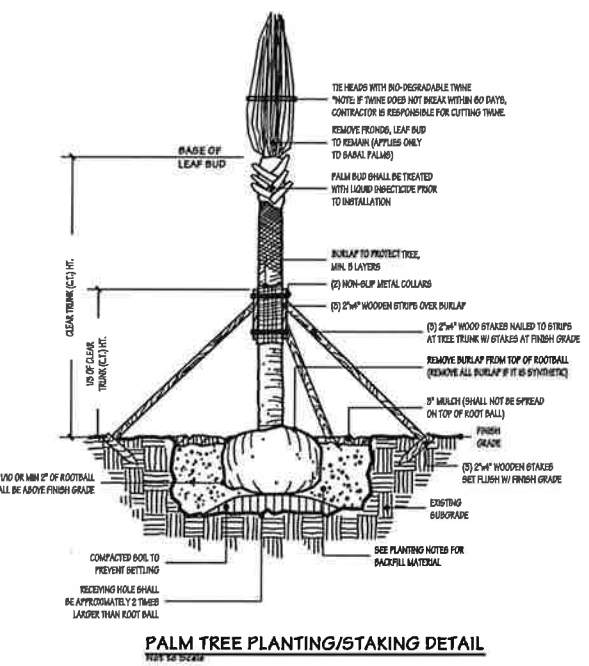
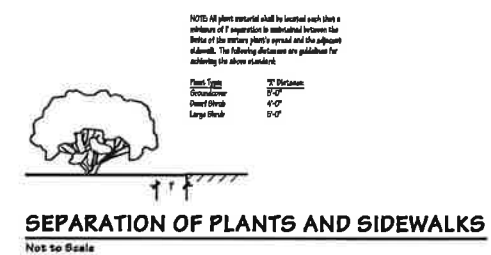
SUNSET BOULEVARD

LANDSCAPE PLAN

1" = 10'-0"

NOT FOR CONSTRUCTION

- ### PLANTING NOTES
- All plant materials shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants 2nd ed. State Plant Board of Florida unless otherwise noted.
 - Existing trees to be removed shall be shredded and mulched for use on the property. See Shredded Hardwood Mulch in the Plant Schedules on sheets L-5 and L-7.
 - Except where otherwise noted, all plant beds shall be top dressed with 3" Grade "B" or better shredded Melaleuca mulch.
 - Fertilizer shall conform with ANSI A-300 part 2 fertilization standard. Fertilizers for trees and shrubs shall have a ratio of 3:1:1 or 3:1:2. Fertilizers for palms shall have a ratio of 3:1:3. A minimum of 50% of the total nitrogen shall be water-insoluble. Fertilizers shall have a salt index of less than 50. Fertilizers shall be applied at a rate of 2-4 lbs. of nitrogen per 1,000 square feet per application, not to exceed 6 lbs. of nitrogen per 1,000 square feet annually.
 - Starter fertilizer shall be 6-0-6, 100% organic, with minor elements. This fertilizer shall have 40-50% of its total nitrogen in a water-insoluble form.
 - Lawn areas shall be treated with starter fertilizer applied at a rate of one (1) pound per 1,000 square feet.
 - Methods of tree planting and staking indicated on the drawings shall be followed. The Landscape Contractor shall be held liable for any damages caused to trees by improper staking methods, (or absence of staking) and is responsible for uprighting and replanting trees which are blown over.
 - Apply pre-emergent granular or spray application to all plant beds and turf areas after completion of landscape installation (after installation of mulch). Use product labeled for landscape application. (Follow manufacturer's recommended rates of application).
 - In the event of a discrepancy between drawings and the plant schedule, the drawings shall prevail.
 - Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of work. The contractor is responsible for repairing all damage to utilities.

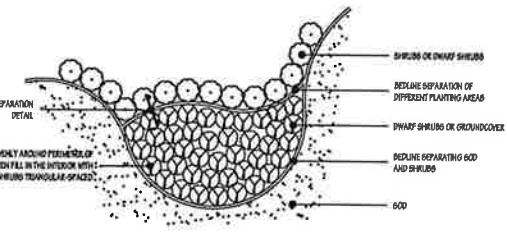
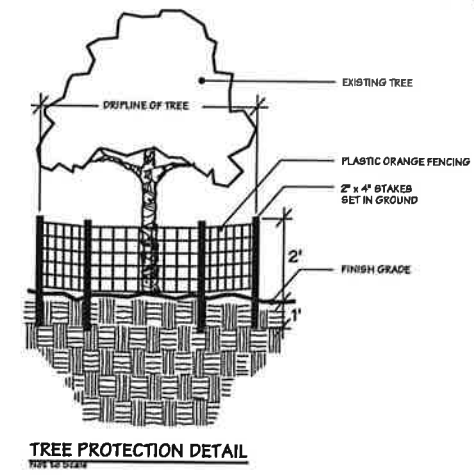


PLANT SCHEDULE

QUANTITY	PALM TREES	COMMON NAME
2	Live Oak 45Gal 2.5" caliper	
6	Triple Christmas Palm 30 Gallon, 7-9 feet	
6	Royal Palm 25 Gallon, 7-8 feet	

QUANTITY	SHRUBS	COMMON NAME
5	Hibiscus Topiary, 3 Gallon	
54	Autograph Plant, 3 Gallon	
68	Green Island Ficus, 3 Gallon	
28	Blueberry Flax Lily, 1 Gallon	
4	Hibiscus Bush, 3 Gallon	

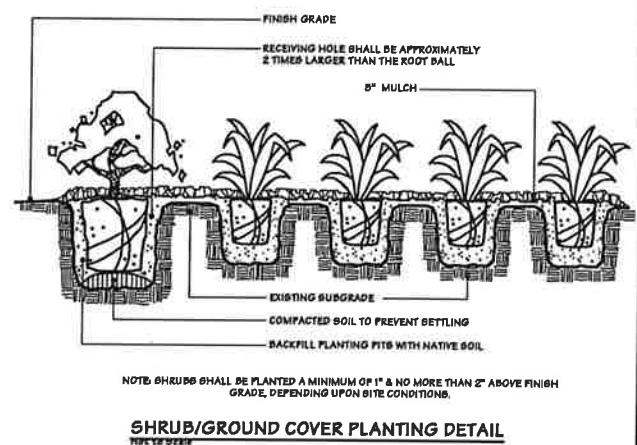
SOD/SEED	COMMON NAME
"Floritan" St. Augustine Sod	



PLANT SPECIES SEPARATION DETAIL

Not to Scale

BETWEEN	"X" DIMENSION
2 GROUND COVERS	3'-0"
GROUND COVER AND DWARF SHRUB	3'-6"
2 DWARF SHRUBS	4'-0"
DWARF SHRUB AND LARGE SHRUB	4'-6"
2 LARGE SHRUBS	5'-0"



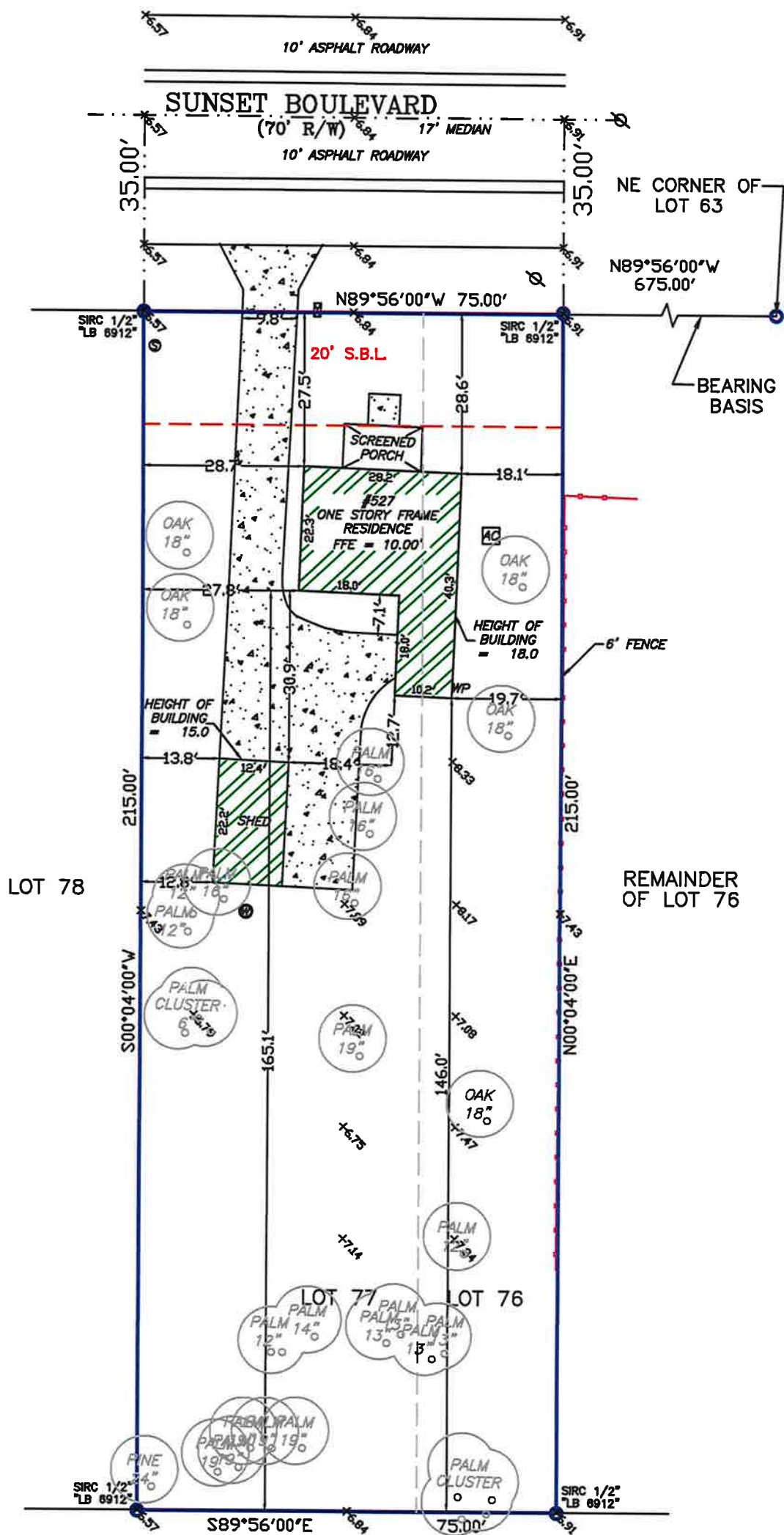
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SCALE	AS NOTED
JOB NO.	1027-22
SHEET	L-1
OF	14 SHEETS



LEGAL DESCRIPTION:

LOT 76 AND THE EAST 1/2 OF LOT 77, SUNSET BAY SUBDIVISION OF LOT(S) 2 AND 3 OF GRAVE'S SUBDIVISION, ALSO OF LOT KNOWN AS C, V. GILL'S LOT ADJOINING ON THE SOUTH, ALL IN SECTIONS 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 38 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

JOB NUMBER: 2203-085

FIELD WORK DATE: 03/09/2022

PROPERTY ADDRESS:

527 SUNSET BOULEVARD, MELBOURNE BEACH, FL 32951

FLOOD INFORMATION:

PANEL NUMBER: 12009C0604H

FIRM DATE: JANUARY 29, 2021

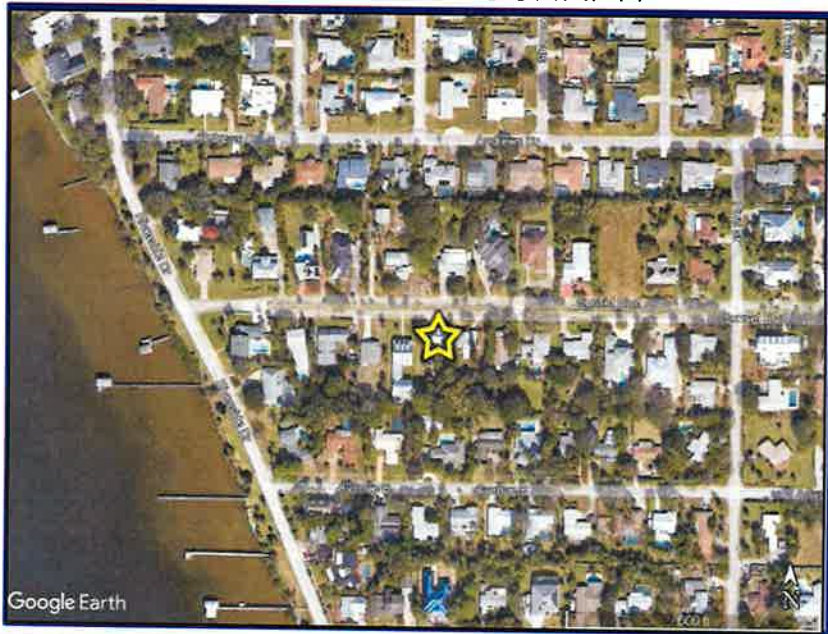
FLOOD ZONE: X

BASE FLOOD ELEVATION: NA

COMMUNITY NAME: MELBOURNE BEACH, CITY OF

COMMUNITY NUMBER: 125128

AERIAL PHOTOGRAPH



SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
C = CURVE
CATV = CABLE T.V. RISER
CB = CATCH BASIN
CL = CENTERLINE
CLF = CHAIN LINK FENCE
CLP = CONCRETE LIGHT POLE
CONC = CONCRETE
CP = CONTROL POINT
CPP = CONCRETE POWER POLE
D = DEED
DF = DRAINFIELD
ELEV = ELEVATION
EM = ELECTRIC METER
EOW = EDGE OF WATER
EP = EDGE OF PAVEMENT
F = FIELD
FCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIPC = FOUND IRON PIPE AND CAP
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FN = FOUND NAIL
FN&D = FOUND NAIL AND DISC
FND = FOUND
FPK = FOUND PK NAIL
FPKD = FOUND PK NAIL AND DISC
FRRSPK = FOUND RAILROAD SPIKE
GAR = GARAGE
HYD = FIRE HYDRANT
ID = IDENTIFICATION
L = LENGTH
LB # = LICENSED BUSINESS
LS # = LICENSED SURVEYOR
M = MEASURED
MB = MAP BOOK
MES = MITERED END SECTION
MH = MANHOLE
MLP = METAL LIGHT POLE
OHW = OVERHEAD WIRES
P = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PP = POOL PUMP
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS
RNG = RANGE
R/W = RIGHT OF WAY
S = SEPTIC
SEC = SECTION
SIR = SET IRON ROD AND CAP
SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

— = BOUNDARY LINE
— = STRUCTURE LINE
- - - - - = CENTERLINE
- - - - - = EASEMENT LINE
- - - - - = FENCE LINE
- - - - - = OLD LOT LINE

SYMBOLS

⊙ = FIRE HYDRANT
⊗ = WATER METER
⊘ = POWER POLE
⊙ = GAS SERVICE
⊙ = LIGHT POLE
⊙ = WELL
⊙ = BENCHMARK
⊙ = CATCH BASIN
⊙ = SANITARY MANHOLE
⊙ = CABLE T.V. SERVICE
⊙ = ELECTRIC SERVICE
⊙ = TELEPHONE SERVICE
⊙ = DRAINAGE MANHOLE
⊙ = SANITARY SERVICE

SURVEYOR'S NOTES

1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Bill Hyatt

Hyatt

Date: 2022.05.10

12:09:43 -04'00'

Bill Hyatt

5.10.22

BILL HYATT

DATE

SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

CERTIFIED TO:

TODD C. MAGEE
CHERYL D. MAGEE
MONARCH HOMES OF BREVARD, LLC

KNOW IT NOW, INC.

PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE - (888) 396-7770
WWW.KINSURVEYORS.COM



Town Commission Meeting

Section: Old Business

Meeting Date: June 20, 2022

Subject: Multi-Generational Living/ Kitchens

From: Town Manager Mascaro

Background Information: A recommendation from P&Z was brought to the Commission during the January 19, 2022 meeting to update the Code of Ordinances to include a definition of kitchen. The Commission decided not to incorporate the definition provided by the Planning and Zoning Board. The Commission has discussed the issues surrounding multi-generational living which would include an additional kitchen.

The Town of Melbourne Beach Code of Ordinances currently prohibits *living quarters* in an *accessory structure* 7A-57(a)(2). The definition of living quarters is in located in 1A-3 Definitions: Dwelling Unit or Living Unit. *One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit:* Under the code a second kitchen in a *single family dwelling* (One residential dwelling unit on a single parcel of land) home would constitute a two family dwelling under our code, which is prohibited. Our code also prohibits guest houses, or any dwelling subordinate to the primary structure.

The Brevard County Property Appraiser does allow Grandparent Quarters and offers a tax incentive for those properties. There is specific criteria that must be met in order to obtain the tax incentive. One of the qualifying requirements states the property must comply with local land development regulations.

Brevard County allows for a ***Single-family residential second kitchen facility*** in their Code Of Ordinances Section 62-1947. There are six requirements which must be met in order for the installation of the second kitchen.

The County Code also allows for Guesthouse or servants' quarters as a detached structure in Section 62-1932 (c), which allows a kitchen in a guest house on a parcels of at least one acre in size and additional restrictions.

Recommendation: Consider the language provided in Brevard County's Code Of Ordinances, which allows for a single-family residence to have a second kitchen facility and how the Commission might apply this to the Town of Melbourne Beach's Code of Ordinances.

Attachments: RTCM Agenda item dated January 19, 2022 (2 pages)

Town of Melbourne Beach Code Definitions and Regulations (4 pages)

Brevard County Property Appraisers application for Grandparent Quarters (2pgs)

Brevard County Code Of Ordinances for Single-family residential second kitchen facilities and Guest Houses or servants' quarters. (2 pages)

Regular Town Commission Meeting

Section: New Business
Meeting Date: January 19, 2022
Subject: Update Code of Ordinance's to include a Definition of Kitchen
Submitted By: Town Manager Mascaro

Background Information:

The Planning & Zoning Board wanted to define the word KITCHEN in the Town Code of Ordinance's. The Board felt providing a definition of the word kitchen, would provide a tool for Code Enforcement to bring an action against a homeowner who has 2 kitchens. A single family dwelling with 2 kitchens would be considered multifamily, which isn't a permitted use under the Code. P&Z also felt having a definition of kitchen would discourage single family dwellings from becoming multifamily dwellings for the purpose of having a rental unit.

Recommendation: 1. Consider the definition of Kitchen provided by the Planning & Zoning Board.
2. Consider including the definition of kitchen in the Town's Code of Ordinances.

Attachments:

- P&Z draft minutes

1. CALL TO ORDER

Chairman Campbell called the meeting to order at 6:30 p.m.

2. ROLL CALL

Town Clerk Torres conducted the roll call

Present:

Chairman Campbell
Vice Chairperson Belsten
Member Hilmes
Member Evans
Member Gonzalez

Staff Present:

Town Manager Mascaro
Town Attorney Cliff Repperger
Town Planner Corey O'Gorman
Town Clerk Jennifer Torres
Building Department Beth Crowell

3. APPROVAL OF MINUTES

- December 7, 2021 Draft Minutes

Member Evans asked about the definition of kitchen and queried as to whether we kept microwave in the definition. The Board agreed to remove the strike-through over "or other related device for cooking" and keep it as part of the definition. Therefore the definition will read:

Kitchen means any indoor room or area containing all of the following equipment,: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment.

Vice Chair Belsten moved to approve the December 7, 2022 draft minutes with correction; Member Evans seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Site Plan Approval for 419 Avenue B

Chair Campbell said the plan shows a 6-foot fence going past the front building line – which they do not allow. In addition proposed height is different.

Building Assistant Crowell explained the addition in height was a technical issue.

Member Hilmes said the fence in question appears to already exist. The owner, who was present, acknowledged that is the case.

§ 1A-3. DEFINITIONS.

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

ACCESSORY STRUCTURE. A permanent building or structure, subordinate to and located on the same lot with a principal building, the use of which is clearly incidental to that of the principal building and which is not attached by any part of a common wall or common roof to the principal building.

ACCESSORY USE. A use that is customarily incidental and subordinate to a principal use.

ADDITION(to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

ALCOHOLIC BEVERAGE. The term as defined by Florida Statutes.

ALLEY. Any public or private right-of-way set aside for secondary public travel and servicing.

APARTMENT. See **DWELLING, MULTIPLE-FAMILY.**

APPEAL. A request for a review of the town's interpretation of any provision of this article.

APPLICANT. Any person having an ownership, whether legal or equitable, in a parcel of land in the Town or said person's attorney-in-fact, who applies for a Development Order.

AQUIFER. A subsurface rock layer that contains water and releases it in appreciable amounts. Aquifers are important reservoirs storing large amounts of water relatively free from evaporation loss or pollution. An aquifer may be porous rock, unconsolidated gravel, fractured rock or cavernous limestone.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

ASSURED CONSTRUCTION. Construction improvements to a public facility scheduled to be made to a major thoroughfare link or other roadway, wastewater treatment facility, potable water supply facility, stormwater management system, parks and recreation system or solid waste disposal facility or construction or obtaining one of the foregoing by one or more of the following means:

(1) For parks and recreation systems, stormwater management systems, drainage retention system or major thoroughfare link or other roadway improvements or for solid waste disposal facilities, wastewater treatment facilities or potable water supply facilities, all in relation to a non-final Development Order, inclusion in the adopted five-year schedule of capital improvements in the Capital Improvements Element of a local government or in the State's Five-Year Schedule of Capital Improvements, of a funded improvement; provided, that, the aforementioned schedule is realistic, financially feasible, is based on currently available revenue sources and contains estimated project completion dates for the affected public facility;

(3) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

DEVELOPMENT ORDER. Any order, or official action of local government, granting, denying, or granting with conditions, or any other official action of the local government having the effect of permitting the development of land.

DEVELOPMENT PERMIT. A building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, conditional use or any other official action of local government having the effect of permitting the development of land.

DIRECTLY ACCESSED. When a development has ingress and egress points intersecting with a street or roadway immediately abutting it by means of driveways and intersections.

DIRECT DISCHARGE (STORMWATER). Discharge of stormwater through a control structure to the receiving water body without intervening treatment of the stormwater.

DISCHARGE. The outflow of water from a project, site, aquifer, drainage basin or facility.

DISCHARGE POINT. The point, location or structure at which stormwater runoff discharges from a storm sewer or stormwater management system to a receiving conveyance facility or body of water.

DISCHARGE RATE. The volume of fluid per unit time leaving a site.

DISCHARGE STRUCTURE. A structural device through or over which water is discharged from a stormwater management system.

DISTRICT. A zone within the Town, so designated on the official zoning map.

DRAINAGE. The removal or conveyance of water from an area.

DRIVE-IN, DRIVE-UP, OR DRIVE-THROUGH. Any use which by design, physical facilities, service or procedure encourages or permits customers, consumers, or other persons, to receive services, obtain goods, food, money, or information, or be entertained, while remaining in their motor vehicles. This term includes "drive-in", "drive-up", and "drive-through" or similar types of facilities.

DUNE. A mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

DURATION. The period of time from beginning of a rainfall event to the end of a rainfall event.

DWELLING, MULTIPLE-FAMILY. A residential building that includes three or more dwelling units on a single parcel of land.

DWELLING, SINGLE-FAMILY. One residential dwelling unit on a single parcel of land.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units, designed for occupancy by not more than two families. Duplexes are so classed.

DWELLING UNIT or LIVING UNIT. One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

EFFECTIVE DATE. Date on which something takes effect; such as when a policy is adopted (e.g., an ordinance), or when an agreement is signed (e.g., a building permit), or a specific date certain is provided that something (e.g., a law) will take effect.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

ENHANCE. To improve, to make better in value, function, desirability or attractiveness.

EROSION. The wearing away of land or the removal of beach or dune material by wind or wave action, tidal current, littoral currents or deflation, including horizontal recession or scour, which occurs when the topography of the beach-dune, lagoon or canal system is completely inundated by a storm surge and wave and current forces erode the beach-dune, lagoon, or canal profile in a vertical direction.

ESTABLISH. To institute permanently by enactment or agreement, bring into existence, bring about.

EVENT (STORM). The specific storm which is, or is to be, considered in the design of a stormwater management system.

EXISTING. The condition of a site or building that exists immediately prior to a proposed action.

EXISTING GRADE. The elevation of the surface of the ground established by natural causes that have become consolidated with the native soil.

FAMILY. A fundamental social group in society typically consisting of one or two parents and their children; and/or two or more people who share goals and values, have long-term commitments to one another, and usually reside in the same dwelling unit.

FENCE. A manmade structure designed to restrict or prevent movement across a boundary.

FILL. Soil, consolidated or unconsolidated material, deposited on land and/or in water.

FINAL DEVELOPMENT ORDER. A minor subdivision plat approval, a final plat approval, a limited partition approval, final site plan approval, environmental permit, building permit, Development Agreement, or any other Development Order which approves the development of land for a particular use or uses at a specified intensity of use and which allows commencement of construction or physical development activity on the land for which the Development Order is issued.

FINANCIAL INSTITUTION. An establishment that focuses on dealing with financial transactions, such as investments, loans and deposits. Conventionally, financial institutions are composed of organizations such as banks, trust companies, insurance companies and investment dealers, including real estate brokerage firms.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

§ 7A-57. ACCESSORY STRUCTURES.

(a) (1) No accessory structure shall be erected in any front yard. Unless specifically defined in this chapter, no accessory structure shall be erected in any side yard. Except as otherwise provided by this chapter, no accessory structure shall exceed the height of the main structure. Unless specifically allowed in this chapter, no accessory structure other than a utility shed shall be constructed within 15 feet of any lot line.

(2) Accessory structures may be constructed simultaneously with, or following the construction of the main building and shall not be used until after the principal structure has been fully erected. Erection of tents as accessory structures is prohibited. No home occupation or business may be conducted in any accessory structure. No accessory structure which contains living quarters shall be constructed on any lot.

(b) Accessory buildings erected on lots fronting on two streets shall conform to main structure setbacks for the rear yard.

(c) Trailers may be used for the storage of equipment during construction provided such trailers are used only during the construction period. A temporary trailer permit shall be required for all structures, and shall be renewable every six months.

(d) Utility sheds may not be larger than 120 square feet in floor area and 10½ feet in height. Utility shed foundations should be no higher than 8 inches above ground level. Sheds shall be screened from the front and side streets. Screening shall be accomplished through landscaping, fencing or a combination of the two. Sheds must be behind the rear of the front line of the principal structure. On any corner lot, the shed must be both behind the rear of the front line of the principal structure and behind the building line of the side of any structure abutting any street. Utility sheds are limited to one shed per 10,000 square feet of lot area. Sheds may be placed on the side or rear property line. The roof line has to be within the lot line of the property.

(e) Swimming pools shall be constructed behind the front line of the principal structure. Setbacks are as follows: Setbacks from the building line shall be 5 feet; side and rear setbacks shall be ten feet; and screen enclosure setbacks shall be 7½ feet. All swimming pools shall be enclosed as required by the *Florida Building Code*. (See § 7A-53(8).)

(f) Portable storage containers - limitations and restrictions.

(1) Portable temporary storage containers shall be allowed in single family residential zoning districts subject to the following:

- a. The property shall be improved with a single family residence.
- b. The container shall remain on the property a maximum of 15 days, including the day of delivery and removal.
- c. A container may be delivered to a site a maximum of three times per calendar year.
- d. A minimum of 30 days shall elapse between placements of a container on a property.
- e. The container shall be placed on a driveway or in the side or rear yard.

f. When placed on the driveway within the front setback area the container shall be located so that pedestrian and vehicular traffic is not obstructed and so that the view of an operator of a motor vehicle entering or exiting a right-of-way is not obstructed.

Qualifying Requirements for Assessment Reduction of New Construction for Parent/Grandparent Quarters

- ✓ The property owner must have an existing Homestead Exemption on the property where the parent/grandparent quarters are constructed.
- ✓ The construction or reconstruction must be properly permitted and comply with local land development regulations. Copies of permits, certificate of occupancy, and plans must be submitted to the Brevard County Property Appraiser.
- ✓ Construction or reconstruction must be substantially complete before January 1st of the year in which the reduction is requested.
- ✓ Application must be filed with the Brevard County Property Appraiser annually on or before March 1st of each year.
- ✓ The occupant of the quarters must be a parent or grandparent of a homesteaded owner of the property.
- ✓ The occupant must be at least 62 years old by January 1st of the year in which the reduction is requested.
- ✓ The occupant must permanently reside on the property on or before January 1st of the year in which the reduction is requested.
- ✓ The occupant cannot receive any benefits requiring a declaration of permanent residency on any other property in any other County.



Application for Assessment Reduction of New Construction for Parent(s) or Grandparent(s) Quarters - 2023

CSC_11
R: 01/28/2022
Page 1 of 2

Owner Name: _____

Mailing Address: _____

Owner's
Telephone No: _____

Property Identification:

Parcel No: _____

Tax Acct. No: _____

Legal: _____

Describe the construction or reconstruction completed for parent or grandparent quarters: (attach permits, certificate of occupancy and plans)

Tax Year:

Proof of residence for all occupants:	Occupant 1	Occupant 2
Occupant's Full Name:		
Occupant's Prior Address:		
Do you still own this property?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did you receive homestead or any other tax benefit(s) last year on any property?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what was the address?		
Date Moved into Home:		
Relationship to Owner:		
Marital Status		
Florida Driver's License Number:		
Florida Driver's License Issue Date:		
Date of Birth:		
Florida Vehicle Tag Number:		
Brevard County Voter Reg. Date:		
Immigration Number and Issue Date:		
Current Employer:		
Social Security Number:		

Social Security Disclosure Note: Disclosure of your social security number is mandatory. It is required by section 193.703, Florida Statutes. The social security number will be used to verify taxpayer identity, homestead exemption information submitted to property appraisers, and intangible tax information submitted to the Department of Revenue.

I, as owner of this property, hereby make application for the exemptions indicated and affirm that I do qualify for the same under Florida Statutes. I am a permanent resident of the State of Florida and I own and occupy the property described above.

I, as owner of this property, understand that if I file this application before January 1 of the year for which I am applying and subsequently move out of the property before January 1 of the same year, then I will notify the Property Appraiser's Office promptly as required by law.

I, as owner of this property, hereby authorize the Property Appraiser's office to obtain information, from utility companies or any other source, necessary to determine my eligibility for the exemption(s) applied for. If all information is not received by March 1st, my application will be processed for whatever exemptions I qualify for on that date.

I, as occupant, hereby certify that I am a qualified parent or grandparent and permanently resided on the property on or before January 1 of the year this assessment reduction is applied for, and that I do not claim homestead elsewhere in Florida nor a residency based exemption or tax benefit in another state.

We understand that section 196.131 (2) Florida Statutes provides that any person that shall knowingly give false information for the purpose of claiming homestead exemption is guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both. Further, under penalties of perjury, we declare that we have read the foregoing application and the facts in it are true.

Notice: 193.073 (5) If the owner of homestead property for which such a reduction in assessed value has been granted is found to have made any willfully false statement in the application for the reduction, the reduction shall be revoked, the owner is subject to a civil penalty of not more than \$1,000, and the owner shall be disqualified from receiving any such reduction for a period of 5 years.

Owner Signature _____

Occupant 1 _____

Occupant 2 _____

Date _____

Signature of Deputy _____

Sec. 62-1947. - Single-family residential second kitchen facility.

A second kitchen facility may be incorporated into a single-family residence, provided the second kitchen facility meets the following conditions, which shall be binding upon approval of the conditional use permit:

- (1) The second kitchen facility and the area or quarters it serves shall be integrated architecturally, both internally and externally, with the single-family residence. Externally, the structure shall have the appearance of one residence. Internally, there shall be direct access to the kitchen facility and its area from the living area or quarters of the single-family residence.
- (2) The area or quarters to be served by the kitchen facility shall not exceed 600 square feet, excluding the kitchen facility and bath area.
- (3) A floor plan of the entire single-family residence, including the additional kitchen facility, shall be submitted to the growth management department in order to illustrate compliance with the conditions set forth in subsections (1) and (2) of this section, and the floor plan shall be binding upon all future construction plans in regard to the single-family residence and second kitchen facilities.
- (4) No portion of the single-family dwelling unit shall be utilized for rental purposes, and the single-family dwelling unit shall be served by only one electrical meter.
- (5) The single-family dwelling unit shall continue to be utilized by no more than one family as defined under this chapter.
- (6) A conditional use permit shall not be required on lots equal to or exceeding one acre in size.

(Code 1979, § 14-20.16.2(B)(46); Ord. No. 95-49, § 19, 10-19-95)

Sec. 62-1932. - Guesthouses or servants' quarters.

- (a) Guesthouses or servants' quarters are subject to the following minimum requirements:
 - (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.
 - (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
 - (3) The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
 - (4) The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
 - (5) The structure shall not be used for rental purposes.
 - (6) The structure shall be set back a minimum of ten feet from the side and rear lot lines.
- (b) This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.
- (c) A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.

(Code 1979, § 14-20.16.2(B)(31); Ord. No. 95-49, § 14, 10-19-95; Ord. No. 97-29, § 1, 8-12-97; Ord. No. 2000-03, § 2, 1-11-00)

Regular Town Commission Meeting Agenda Item

Section: New Business

Meeting Date: June 15, 2022

Subject: Beach front Dog Park

Submitted By: Commissioner Quarrie

Background Information: Residents are using the beach and parks more often for enjoyment with their dogs. I believe it would be a good use of our park resources to open up the access in Loggerhead Park to dogs creating a dog park.

The Town purchased property in 1999 for \$350,000. The Town may have received a Grant for the purchase. Records might need to be searched to see if it would omit using the property beach access for a dog park.

I would like to make LAV or Golf Cart parking available in front area of the site if deemed safe under the sea grapes. Extra NO Parking signs enforcement for those property owners surrounding the site. If parking not safe then residents would only be able to walk their dogs to park which would probably be OK. Golfcart parking would be better if safe. No car parking.

The board walk currently used would be fine for access without improvements with no harm to vegetation.

Limited access due to parking would create a dog park for residents and not be used by general public. This limitation would create a more responsible use since it would be residents of the Town. After all that is why the park was created. For use of the residents.

Recommendation: If Commission in agreement, make a visual of how many LSV's and Golf Carts could park safely. Review needs for pet waste removal and if available water supply source. Costs of any improvements

Attachments: 3

This Document Prepared By and Return to:
Holland & Knight LLP
ATTN: Timi Tyler
1499 S. Harbor City Blvd., Ste. 303
Melbourne, FL 32901

1111032

Parcel ID Number: 28 38 08 00 519 & 520

Warranty Deed

CFN:2000018292 02-09-2000 08:59 am
OR Book/Page: 4119 / 0172

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 2	#Names: 2	Serv: 0.00
Trust: 1.50	Rec: 9.00	Excise: 0.00
Deed: 2,450.00		Int Tax: 0.00
Mtg: 0.00		

This Indenture, Made this 23rd day of December, 1999 A.D., Between
Christian Toro

of the City of Santa Fe De Bogota, Country of Columbia, grantor, and
Town of Melbourne Beach, a Florida municipal corporation

whose address is: 507 Ocean Avenue, Melbourne Beach, FL 32951

of the County of Brevard, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Brevard State of Florida to wit:

PARCEL A

A parcel of land lying in Section 8, Township 28 South, Range 38 East, Brevard County, Florida, more particularly described as follows: Beginning at the point of intersection of the South line of ROMAC SUBDIVISION, according to the plat thereof, recorded in Plat Book 10, Page 53, of the Public Records of Brevard County, Florida, and the East right of way line of State Road AIA; thence South 21°15'20" East along the said East right of way line of State Road AIA, 100 feet to a point; thence North 89°56'00" East, parallel with the South line of Said ROMAC SUBDIVISION, 195 feet, more or less, to the Mean High Water Mark of the Atlantic Ocean; thence meander Northwesterly along the said Mean High Water of the Atlantic Ocean, 100 feet, more or less, to a point on the said South line of ROMAC SUBDIVISION; thence 89°56'00" West, along the said South line of ROMAC SUBDIVISION, 191 feet, more or less, to the point of beginning.

PARCEL B

A parcel of land lying in Section 8, Township 28 South, Range 38 East, Brevard County, Florida, more particularly described as follows: Commence at the point of intersection of the South line of ROMAC SUBDIVISION, according to the plat thereof, recorded in Plat Book 10, Page 53, of the Public Records of Brevard County, Florida, and the East right of way line of State Road AIA; thence South 21°15'20" East, along the said East right of way line of State Road AIA, 100 feet to the point of beginning of this description; thence continue South 21°15'20" East along the last described line, 100 feet to a point; thence North 89°56'00" East, parallel with said South line of said ROMAC SUBDIVISION, 194 feet, more or less, to the Mean High Water of the Atlantic Ocean; thence meander Northwesterly along the said Mean High Water Mark of the Atlantic Ocean, 100 feet, more or less, to a point; thence South 89°56'00" West, parallel with the said South line of ROMAC SUBDIVISION, 195 feet, more or less, to the point of beginning.

Subject to zoning, prohibitions and other requirements imposed by governmental authority, restrictions and matters appearing on the plat or otherwise common to the subdivision and public utility easements of record; this reference to said restrictions shall not operate to reimpose the same.

The Grantor herein warrants and represents that neither he nor any member of his family reside upon said property and that said property is not homestead property as defined under Florida Constitution 1968, Article X, Section 4:

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

Warranty Deed - Page 2

Parcel ID Number: 28 38 08 00 519 & 520

By acceptance of this warranty deed, grantee herein hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in the Grant Award Agreement attached hereto as Exhibit "A". These covenants and restrictions shall run with the Property herein described. If any of the covenants and restrictions of the Grant Award Agreement are violated by the grantee or by some third party with knowledge of the grantee, fee simple title to the Property described herein shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with the Grant Award Agreement without further*

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Carlos R. Arellano
Printed Name: Carlos R. Arellano
Witness

Christian Toro (Seal)
Christian Toro
P.O. Address: Carrera 9A No 70-All Publicidad Toro
Santa Fe De Bogota, Columbia

MARCELO PLAZA GUIN
Printed Name: MARCELO PLAZA GUIN
Witness

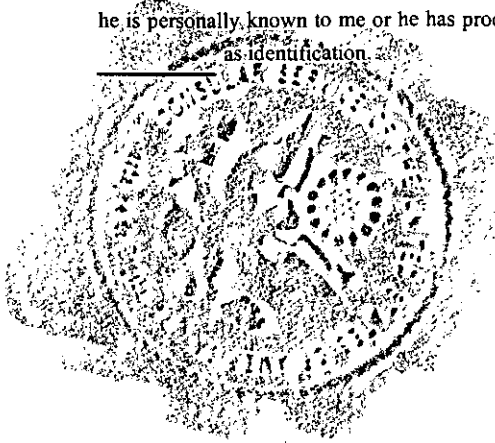
Republic of Colombia
Capital City of Bogota
City of Santa Fe de Bogota, SS:
Embassy of the
United States of America



CFN:2000018292
OR Book/Page: 4119 / 0173

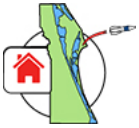
The foregoing instrument was acknowledged before me, Consul of the United States of America at Bogota, Colombia duly commissioned and qualified, this 23rd day of December, 1999 by Christian Toro

he is personally known to me or he has produced his Colombian Passport No. 79144212 as identification.



Jeanette Hantke
CONSUL OF THE UNITED STATES OF AMERICA
My Commission Expires: Indefinitely
JEANETTE A. HANTKE
Consul of the United States of America

*notice to grantee, its successors and assigns and grantee, its successors and assigns shall forfeit all right, title and interest in and to the Property described herein.



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account	2848199
Owners	MELBOURNE BEACH, TOWN OF
Mailing Address	507 OCEAN AVENUE MELBOURNE BCH FL 32951
Site Address	NONE
Parcel ID	28-38-08-00-519
Property Use	8080 - MUNICIPALLY OWNED LAND - VACANT
Exemptions	EXMU - MUNICIPALLY OWNED PROPERTY
Taxing District	34X0 - MELBOURNE BEACH
Total Acres	0.52
Subdivision	--
Site Code	0120 - OCEAN FRONT
Plat Book/Page	0000/0000
Land Description	PART OF GOVT LOT 3 E OF A1A AS DES IN ORB 1247 PG 383 PAR B

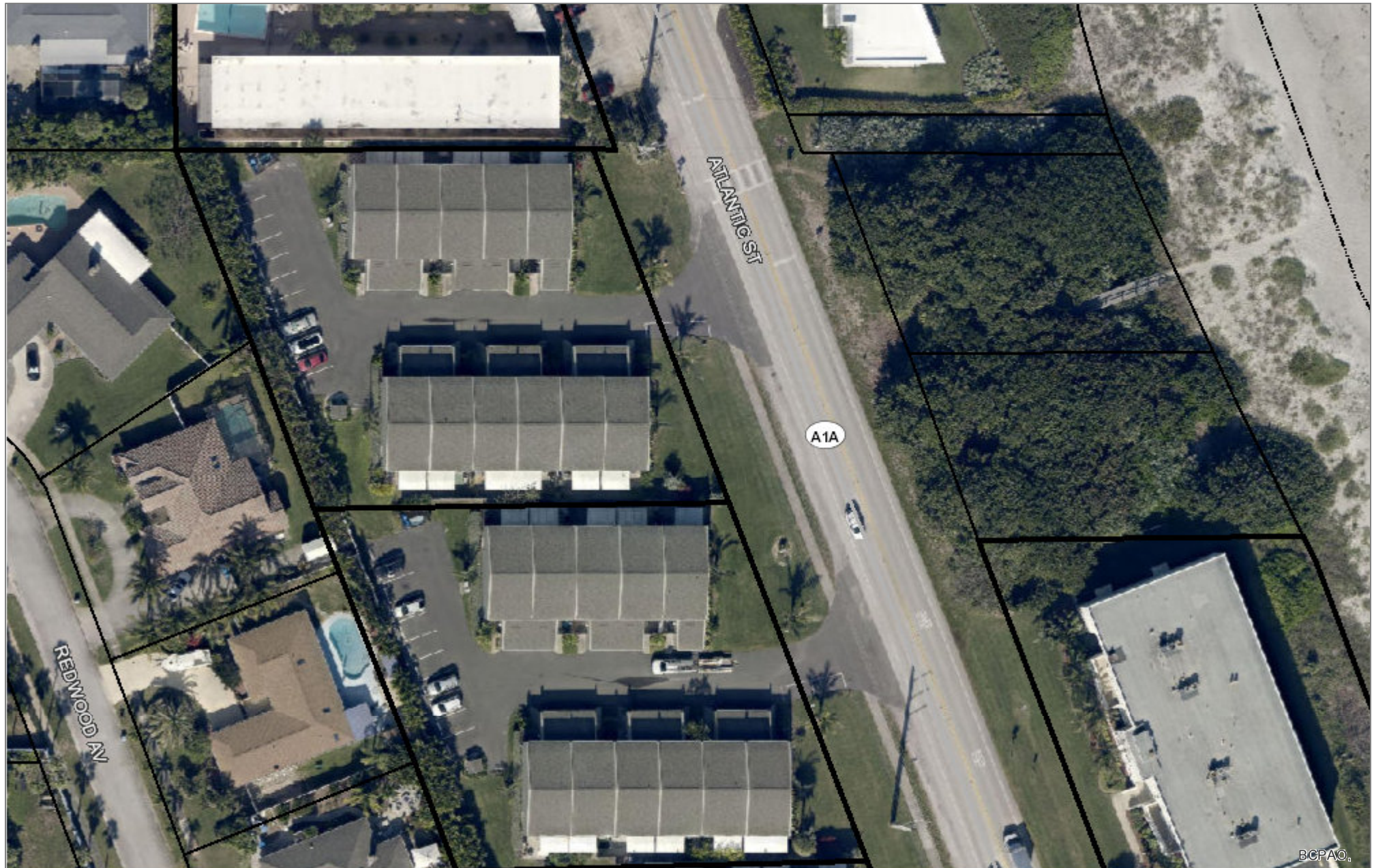
VALUE SUMMARY

Category	2021	2020	2019
Market Value	\$540,000	\$540,000	\$540,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$540,000	\$540,000	\$540,000
Assessed Value School	\$540,000	\$540,000	\$540,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$540,000	\$540,000	\$540,000
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

SALES/TRANSFERS

Date	Price	Type	Instrument
12/23/1999	\$350,000	WD	4119/0172
06/01/1995	--	PT	3504/4536
08/01/1980	--	--	2249/0901
05/01/1972	\$66,000	PT	1247/0383

No Data Found



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.

Map created June 9, 2022 (map data dates may vary)

Town Commission Meeting

Section: New Business

Meeting Date: June 15, 2022

Subject: Updated Interlocal Agreement with Indialantic

From: Town Manager Mascaro

Background Information: This is the seventh year Indialantic has provided dispatch service to the Town of Melbourne Beach for our Fire Service. The contract has increased from \$5200 per year to \$5400 per year, an increase of \$200 per year.

Recommendation: Review and Approved the seventh Interlocal Agreement between the Town of Indialantic and the Town of Melbourne Beach to provide dispatch services for the Melbourne Beach Volunteer Fire Department.

Attachments: Interlocal Agreement

THIS INSTRUMENT RETURN TO:
Town Clerk
Town of Indialantic 216 Fifth Avenue
Indialantic, FL 32903

EIGHTH AMENDMENT TO
FIRE-RESCUE DISPATCH SERVICES INTERLOCAL
AGREEMENT

THIS AGREEMENT is made this _____, day of _____, 2022, by the Town of Indialantic, Florida, a Florida Municipal Corporation (herein: "Indialantic"), whose address is 216 Fifth Avenue , Indialantic, Florida 32903; and the Town of Melbourne Beach, Florida, a Florida Municipal Corporation (herein: "Melbourne Beach",) whose address is 507 Ocean Avenue . Melbourne Beach, Florida 32951.

RECITALS:

WHEREAS, Indialantic has agreed to provide fire-rescue dispatch services for Melbourne Beach in consideration of funding to be paid by Melbourne Beach; and

WHEREAS, the agreement between Indialantic and Melbourne Beach is set forth in the Fire-Rescue Dispatch Services Interlocal Agreement which was recorded on January 27, 2015, in Official Records Book 7290, Page 198, Public Records of Brevard County, Florida (herein: the "Original Agreement");and

WHEREAS, the Original Agreement terminated September 30, 2015, and the parties extended the effective period of the Original Agreement through approval of the First and Second Amendments; and

WHERE AS, the Seventh Amendment to the Original Agreement terminates September 30, 2022, and the parties are desirous of extending the effective period of the Original Agreement as amended; and

WHEREAS, Section 4. of the Agreement requires that any proposal to renew the Agreement must be received by both parties no later than June 1st of the year of renewal, and the parties have complied with all requirements of the Agreement for renewal and amendment of the Agreement; and

WHEREAS, the Melbourne Beach Town Commission approved this Eighth Amendment to the Fire-Rescue Services Interlocal Agreement on the ____ day of _____, 2022; and

WHEREAS, the Indialantic Town Council approved this Eighth Amendment to Fire-Rescue Dispatch Services Interlocal Agreement on the ____ day of _____, 2022.

NOW, THEREFORE, in consideration of Ten and 00/100 DOLLARS (\$10.00) and certain other good and diverse consideration rations, each to the other paid in hand, the sufficiency and receipt all of which be and the same is hereby acknowledged, the parties desiring to be legally bound do hereby agree as follows:

1. Recitals. Each and all of the foregoing recitals be and the same are hereby incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement. Certain of the terms used herein are as defined in the Original Agreement.

2. Amendment of Agreement. Section 3 and Section 7 of the Agreement shall be amended as set forth below. In interpreting this Amendment to Fire-Rescue Dispatch Services Interlocal Agreement, underlined language is new text, and ~~stricken through~~ language is deleted text from the Agreement.

SECTION 3. TERM: This Agreement and any amendments hereto will be in force and become effective upon recording in the Public Records of Brevard. Florida (after approval and signature by both elected governing bodies). The term of this Agreement will be from January 27, 2015, the date of recording in the Public Records of Brevard County, Florida, of this fully executed Agreement until ~~September 30, 2022~~ September 30, 2023. The Agreement may be renewed annually.

SECTION 7. COMPENSATION/PAYMENT: Melbourne Beach agrees to pay to Indialantic the sum of ~~Five Thousand Dollars, (\$5,200)~~ Five Thousand two hundred, (\$5,400) per years for the services provided under Section 5 of this agreement. Payment of services shall be made on a quarterly (three (3) month) basis with payment being due no later than the first day of January, April, July and October for services provided during the previous three (3) months. Payment which arrive at Indialantic ten (10) Indialantic working days late shall be subject to interest charges as provided by Section 218.335, Florida Statutes. In the event this Agreement is terminated by either party and actually terminates prior to the completion of a quarter, Melbourne Beach agrees to pay Indialantic a pro-rated amount for all whole and partial months dispatching services were provided. For example, if Indialantic gives notice to Melbourne Beach on July 10th that it is terminating the Agreement effective forty five (45) days later on August 24th (as provided for by Section 10. of this Agreement), the ~~\$1,300~~ \$1,350 quarterly payment due to Indialantic shall be prorated based on a formula: ~~\$1,300~~ \$1,350 shall be multiplied by the following fraction, the numerator of which is fifty-five (55) which is the number of days during the quarter that service was provided and the denominator of which is ninety-two (92) which is the number of days constituting the entire quarter.

3. Effective Date: Recordation. Melbourne Beach hereby agrees to pay for any costs of recordation of this Eighth Agreement to Fire-Rescue Dispatch Services Interlocal Agreement in the Public Records of Brevard County, Florida. The recorded original hereof shall be returned to Indialantic for filing in its records. This Amendment to Fire-Rescue Dispatch Services Interlocal Agreement shall become effective on the date of recording of this Eighth Amendment to Fire-Rescue Dispatch Services Interlocal Agreement in the Public Records of Brevard County, Florida.

Executed as of the date first above written.

Signed, sealed and delivered in
The presence of:

TOWN OF INDIALANTIC, FLORIDA
a Florida Municipal Corporation

By: _____
Michael Casey, Town Manager
216 Fifth Ave., Indialantic FL 32903

ATTEST: _____
Rebekah Raddon, Town Clerk

(TOWN SEAL)

TOWN OF MELBOURNE BEACH, Florida
a Florida Municipal Corporation

By: _____
Elizabeth Mascaro, Town Manager
507 Ocean Ave.,
Melbourne Beach FL 32951

ATTEST: _____
_____, Town Clerk

(TOWN SEAL)

Town Commission Meeting

Section:

Meeting Date: June 15, 2022

Subject: Landscape and Trees -9A

From: Robert Bitgood, Building Official

Background Information

Looking to revise Landscape and Tree ordinance.

Recommendation: Please look at what is being proposed, and make any suggestions to revising the current ordinances to include hedge and wall height along A1A. I would suggest it not exceed 6 feet in height. Trees would be exempt from height limits.

Attachments:

CHAPTER 9A: LANDSCAPING AND TREES

Section

Article I. Landscaping

- 9A-1 Definition
- 9A-2 Intent
- 9A-3 Applicability
- 9A-4 Permit required for cutting down tree
- 9A-5 Application for permit; review of application
- 9A-6 On-site inspection
- 9A-7 Minimum tree plantings
- 9A-8 Tree protection
- 9A-9 Trees on public lands
- 9A-10 Exceptions
- 9A-11 Reserved
- 9A-12 Penalty
- 9A-13 - 9A-99 Reserved

ARTICLE I. LANDSCAPING

§ 9A-1. DEFINITION.

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

YARD AREA. The front, side and rear yard areas as established and required by Chapter 7A. ('75 Code, § 22-17) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-2. INTENT.

The intent of this article is to preserve trees whenever and wherever they exist and to provide trees wherever they are sparse or do not exist, thus enhancing the health, welfare and beautification of the Town. The intent of the article also includes the encouragement of "Florida Friendly Landscaping" as defined by § 375.185(b), Fl. Stat. and "Florida Native Landscaping" as defined by the University of Florida's Institute of Food and Agricultural Sciences (IFAS).

('75 Code, § 22-16) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-3. APPLICABILITY.

The terms and provisions of this article shall apply to all real property in all zoning districts. ('75 Code, § 22-18) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-4. PERMIT REQUIRED FOR CUTTING DOWN TREE.

No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, move or effectively destroy through damaging any tree situated on property in any zoning district without first obtaining a permit as herein provided.

('75 Code, § 22-19(a)) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

must meet the standards set in tree risk assessment, second addition (2017)

§ 9A-5. APPLICATION FOR PERMIT; REVIEW OF APPLICATION.

(a) Application. Permits for removal, relocation, or replacement of trees covered herein, shall be obtained by making application for a permit to the Building Official. The application shall be accompanied by a written statement indicating the reason for removal, relocation, or replacement of trees and ~~four~~ ^{two} copies of a legible site plan drawn to a minimum scale of one inch equals 20 feet, indicating the following:

(1) Location of all existing or proposed structures, improvements, and sites used, properly dimensioned and referenced to property lines, setback, and yard requirements;

(2) Location of existing or proposed utility services, when known;

(3) The location of all trees on the site designating the trees to be retained, removed, relocated, or replaced. Groups of trees in close proximity may be designated as clumps of trees with

for new const.
B-- trees that are removed shall be replaced by same or similar species. For mature oaks 2 similar species will be required. 15' in height above grade 12

(3) Should a deep filling around a tree be necessary, a dry well, retaining wall or terracing may be required. Procedures for these are available in the site planning and tree protection regulations available at the County Extension Office.

(b) Attachments to tree. No attachments or wires other than those of a protective nature shall be attached to any tree.

(c) Tree survival. Trees must survive on-site in a viable condition. Trees failing to meet this survival requirement must be replaced within 45 days after a written notification is received by the property owner from the town.

(d) Landscaping prohibition. Plants included on the current Florida Noxious Weed list - Rule 5B-57.007 in Florida Administrative Code. ('75 Code, § 22-21) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-9. TREES ON PUBLIC LANDS.

No tree shall be removed from any public park or public right-of-way except under the provisions of this article.

('75 Code, § 22-23) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-10. EXCEPTIONS.

(a) In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and requires immediate removal without delay, authorization may be given by the ~~Public Works Department~~ and the tree removed without obtaining a written permit as herein required. Such authorization shall be given in writing.

(b) During a period of emergency, such as a hurricane, tropical storm, flood, or any other act of God, the requirements of this Article may be waived by the Town Commission.

(c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Article only in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.

(d) The types of trees included on the current Florida Noxious Weed List and Florida Exotic Pest Council's List of Invasive Plant Species shall be exempt from the terms and provisions of this article and shall not be used to meet any replacement or planting requirements.

('75 Code, § 22-22) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

§ 9A-11. RESERVED.

§ 9A-12. PENALTY.

The improper removal of each tree shall constitute a separate offense under this chapter. Violation of this chapter and imposition of the penalty shall be determined and imposed by the Code Enforcement Board or by a court of proper jurisdiction.

('75 Code, § 22-25) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

§§ 9A-13.-9A-99. RESERVED.

Building official or town manager,

the predominant type and estimated number and average diameter noted. Only those trees to be removed, relocated, or replaced must be named (common or botanical name) on the site plan;

(4) The tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation, or replacement; and

(5) An application involving developed properties may be based on drawings showing only that portion of the site directly involved, and adjacent structures and landscaping or natural growth incidental thereto.

(b) Application review. Upon receipt of a proper application, the Building Official shall review the application, which will include a field check of the site and referral of the application to others concerned as necessary, to determine any adverse effect upon the general public welfare, adjacent properties, or Town services and facilities. ('75 Code, § 22-19(b), (c)) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17) Penalty, see § 9A-12

§ 9A-6. ON-SITE INSPECTION.

(a) On-site inspection. Prior to the issuance of a permit for tree removal or relocation, the Building Official or his agent shall conduct an on-site inspection to determine whether or not such a removal or relocation conforms to the requirements of this chapter.

(b) Issuance.

(1) Removal. No permit shall be issued for tree removal unless one of the following conditions exists:

a. The tree is located in a buildable area or yard where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property;

b. The tree cannot be relocated on or off the site because of age, type, or size of tree;

c. The tree is diseased, dead, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations; or

d. It is in the welfare of the general public that the tree be removed for a reason other than set forth above.

(2) Relocation or replacement. As a condition to the granting of a permit, the applicant may be required, where practical, to relocate the tree being removed or be required to replace the tree being removed with a tree somewhere within the site of the type that will attain an overall height of at least 18 feet and a trunk caliper of at least two inches, measured 4.5 feet above grade. The green areas left after all building and parking lot requirements have been met shall contain a tree density equal to or greater than that existing on the overall site before the beginning of construction. ('75 Code, § 22-19(d)) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17) Penalty, see § 9A-12

§ 9A-7. MINIMUM TREE PLANTINGS.

(a) ~~Remove~~ Trees in residential zoning districts. A minimum of three trees must exist or must be planted on each newly developed residential lot. Trees planted must be of a variety which is compatible with the existing soil and drainage conditions and must be provided with adequate water and food materials to encourage growth. Trees shall be planted in locations so as not to cause danger to nor interference with existing structures at the time of maturity.

(b) Buffer and tree planting requirements for all non-residential and multiple family residential uses.

(1) A landscape buffer with a minimum of ten feet in width shall be provided between any residentially zoned property and a property utilized for a non-residential or multiple family residential use. Responsibility for providing a landscape buffer shall be upon the nonresidential or multifamily use. The landscape buffer shall include a minimum of one canopy tree for every 40 linear feet, or fraction thereof. In addition one ornamental tree or palm shall be planted for each 50 linear feet, or fraction thereof.

(2) A landscape buffer with a minimum of ten feet in width shall be provided along all road frontage of the site. The landscape buffer shall include a minimum of one canopy tree for every 25 feet of frontage, or fraction thereof.

(3) A continuous hedge shall be planted in all perimeter landscape buffer areas.

(4) Parking areas shall be designed so that there is a minimum of 200 square feet of open space, not including perimeter landscape buffer areas, at the end of each row of parking. In addition a minimum of 200 square feet of open space shall be provided in the interior of the parking lot for each ten parking spaces, or fraction thereof. These open spaces shall be distributed throughout the parking lot in a manner that no more than ten parking spaces in a row shall be allowed without an intervening landscaped area.

(5) Minimum specifications for trees and hedge material shall be as follows:

a. Canopy trees at the time of planting shall have a trunk diameter of two inches measured four and one-half feet above the ground. *above grade* The trees shall be a minimum of eight feet in height and have a minimum spread of five feet. The trees are not required to be spaced evenly along property lines.

b. Ornamental trees at the time of planting shall have a trunk diameter of one and one-half inches measured four and one-half feet above the ground. The trees shall be a minimum of six feet in height and have a minimum spread of four feet.

c. Palms at the time of planting shall have a minimum clear trunk of eight feet.

d. Hedge material at the time of planting shall be a minimum of 18 inches in height when planted. Individual plants shall be planted a maximum of 24 inches on center.

(6) All plant material shall be Florida Number 1 in quality and shall be planted according to sound landscape installation standards.

(7) All landscaping shall be maintained to present a neat and orderly appearance. Dead, deteriorating or missing landscape material shall be replaced with substantially equivalent landscaping as permitted by the Land Development Code. Replacement of landscaping material shall occur within 60 days, unless said time is extended by the Town Manager for good cause shown.

(8) Exceptions shall be considered on an individual basis when obstacles such as overhead power lines or other conditions inhibit the ability to comply.

(9) Canopy trees shall be those that develop a crown spread of 25 feet or greater at

maturity. Trees with less than 25 feet of crown spread at maturity shall be considered ornamental trees.

(10) Clusters of three palms shall be an acceptable substitute for up to 50% of the required canopy trees and 50% of the required ornamental trees.

(11) Landscape material should be drought tolerant to the extent practical and feasible. A water source shall be available to ensure the plant material can be watered while it is being established and during drought occurrence. Automatic irrigation systems may be utilized.

(12) Currently developed sites that do not meet the landscape requirements will not be considered non-conforming. Landscaping consistent with the regulations shall be installed at these sites, to the extent practical, as redevelopment occurs. Unless complete reconstruction or rehabilitation that results in closure of a building or buildings for a period of over six months occurs, full compliance with this section shall not be required.

(75 Code, § 22-20) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2008-08, adopted 9-3-08; Am. Ord. 2009-03, adopted 4-15-09; Am. Ord. 2017-05, adopted 12-20-17) Penalty, see § 9A-12

The building official will determine what trees are native or invasive.
§ 9A-8. TREE PROTECTION. *CE 10/15/17*

(a) Protection of trees during land-clearing.

(1) Trees that are retained during land-clearing can be applied toward total tree requirements for the property. Prior to land-clearing, on-site protection must be initiated by constructing suitable protective barricades around trees to prevent mechanical damage. Barriers should be constructed around individual trees or groups of trees that are susceptible to mechanical damage. Prior to any land-clearing activity, a visual inspection of the site will be made by the Building Official before a land-clearing permit is issued. The land-clearing permit must be posted on-site. Only land-clearing is permitted within the drip line of the tree to be protected.

(2) On-site protection of trees may be barriers consisting of two-by-four-inch lumber or flag rope and stakes visible to workers and equipment operators, but far enough from the tree to prevent soil compaction and large enough to include the area within the drip line of the tree (drip line refers to the outer edges of tree limbs and branches).

(5) Traffic and other municipal signs, legal notices, and other safety directional signs.

(6) Private directional signs when not more than two square feet in surface area.

(7) Subdivision entrance signs not exceeding 32 square feet and not having any part of the sign structure exceeding eight feet in height. No more than two signs per entrance will be allowed.

(8) Bulletin boards and signs of churches, schools and clubs not exceeding 32 square feet in area and not exceeding one per organization. If located on a corner lot, a 32-square-foot sign facing each street is allowed.

(9) A construction or home improvement sign shall not exceed 16 square feet in surface area, not to be illuminated, and shall be removed immediately after completion of construction or improvement.

(10) Any dispensing mechanism positioned outside of a business premise such as for ice cream, candy, soda, newspapers and such or for fuel pumps and the like, with a trademark or identification; also, any lighting fixture for the sole purpose of aiding in after-dark business operations or safety with a trademark or identification.

(11) One real estate sign per interior lot or one sign facing each thoroughfare per corner lot shall be allowed. Real estate signs shall not exceed six square feet in total surface area or four feet in height.

(12) Political signs shall be permitted and display of the sign shall conform to the following:

a. Maximum size of a political sign, four square feet.

b. Signs may not be placed on rights-of-way.

c. Political signs related to an election must be removed within 72 hours after the election.

(h) Prohibited signs.

(1) All other signs not specifically or provisionally permitted herein, such as, but not limited to, flashing signs, billboard signs and banner signs.

(2) No private sign (sign erected by a non-governmental person or entity) is permitted on rights-of-way.

(75 Code, Appendix A, Art. VII, § 4) (Ord. adopted 9-26-72; Am. Ord. 76-3, adopted 8-10-76; Am. Ord. 85-7, adopted 11-12-85; Am. Ord. 87-02, adopted 5-12-87; Am. Ord. 2004-09, adopted 11-17-04; Am. Ord. 2008-08, adopted 9-3-08; Am. Ord. 2009-03, adopted 4-15-09; Am. Ord. 2011-02, adopted 6-15-11; Am. Ord. 2017-05, adopted 12-20-17) Penalty, see § 7A-177

§ 7A-53. FENCES AND WALLS.

Limitations and restrictions. Fences and walls hereafter constructed, reconstructed, or altered, shall meet the following requirements:

(1) Zoning requirements.

<i>Zoning District</i>	<i>Allowed</i>	<i>Minimum Requirement</i>
1-RS	Fence, Hedge, Wall	None
2-RS	Fence, Hedge, Wall	None
3-RS	Fence, Hedge, Wall	None
4-RM	Fence, Wall	Fence or Wall upon criteria listed in 7A-53(11) (separating residential property)
5-RMO	Fence, Wall	Fence or Wall upon criteria listed in 7A-53(11) (separating residential property)
6-B	Wall	Wall (separating all commercial uses from residential property)
7-C	Wall	Wall (separating all commercial uses from residential property)
8-B	Fence, Wall	Fence (separating residential zoning districts [1-RS, 2-RS, 3-RS] when the 8-B property is used for multi-family residential use) Fence or Wall (separating zoning districts [1-RS, 2-RS, 3-RS] when a special exception has been granted for the 8-B property)

(2) Fence height - all zoning districts except as otherwise provided.

a. Fences on rear property lines may be erected up to a maximum height of six (6) feet.

b. Fences on interior side lot lines may be erected up to a maximum height of six (6) feet from the rear property line up to the front building line.

c. Portions of fences that extend beyond the front building line may be erected up to a maximum height of four (4) feet.

d. Fences on corner side lot lines may be erected up to a maximum height of six (6) feet from the rear property line up to the front building line.

e. Portions of fences on corner side lot lines that extend beyond the front building line may be erected up to a maximum height of four (4) feet.

f. Chain link fences, to a maximum height of ten (10) feet, may be erected around tennis courts. The fences may be erected on the property line, behind the front building line, or on the rear property line, if the fence does not encroach upon any easements, rights-of-way, or similar encumbrances.

g. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:

i. No such feature shall exceed in height the wall height restriction for that district plus one (1) foot; and

ii. There shall be only one such feature in any front, side or rear yard, except that there may be two (2) entrance gates.

(3) Fence height measurement. The required fence height is measured from the finished grade of the land where the fence is located prior to berming or placement of fill in excess of that required by the Code of Ordinances, to the highest point of the fence, including posts and ornamental and architectural features. A survey prepared by a licensed Florida mapper and surveyor with reference elevations shall be submitted with all wall and fence permit applications. Fence height shall be measured from the surveyed elevation prior to placement of fill.

(4) Vision clearance at corners. Fences on corners shall not be located within the triangular clearance area formed by lines that are measured from the point of intersection of the rights-of-way a

distance of 25 feet, along the lot lines, parallel to each street and the line that connects the endpoints of the two lines measured from the point of intersection of the rights-of-way.

(5) Maintenance. All fences shall be continuously maintained in a good and non-deteriorated condition, free of graffiti, peeling or blistering paint, broken or missing boards or posts, broken concrete block masonry, and the like.

(6) Submission of plans and building permits. Plans showing the exact location of all walls, fences, and hedges, and the proposed height, construction, and materials to be used, shall be submitted to the Building Official for approval, and the issuance of a permit for same upon payment for the permit. Termite and rot-resistant durable wood or rust and corrosion resistant material (or finish) shall be used.

(7) Fencing of easements, rights-of-way, and sidewalks.

(a) In the event a lot owner fences or encloses any utility easement, as a condition of any fence permit, the lot owner agrees and understands that utilities, rights-of-way, and sidewalks may need repair, maintenance, installation or removal, from time to time, and that to do so it may be necessary for utility companies or public and governmental agencies, or their respective employees, agents, or independent contractors, to remove certain portions of a lot owners fence. The lot owner/occupant agrees as a permit condition to hold harmless the Town, any other governmental agencies, and any utility company, and their respective employees, agents, officials, and independent contractors, in both their official and individual capacities, from any costs related to fencing or damages to fencing arising from removal, repair, installation or maintenance of any utilities, rights-of-way, sidewalks or fences. As used in this paragraph, the term utilities shall include cable television companies.

(b) Prior to issuance of a building permit for a fence or wall constructed on an easement or right-of-way the property owner shall sign an affidavit stating agreement with the conditions of this section.

(8) Installation. Fencing shall be installed in such a manner as not to detract from the value of the adjoining residential property; in particular, the fence shall have the finished side face the adjoining property. Walls and fences shall be installed abutting the property line in such a manner that they are located entirely on the property of the owner of the structure.

(9) Fences abutting beach or river access way or rights-of-way. Fences up to a height of six (6) feet are allowed adjacent to and abutting any public or private motor vehicle or pedestrian access or right-of-way connecting to the Indian River Lagoon or the beach along the Atlantic Ocean. Said fence may be located forward of the front building line; provided that said fence shall not be of a chain-link type. All of said fence shall be setback a minimum of five (5) feet from any right-of-way line.

(10) Hedges.

(a) Where hedges are provided they shall be neatly trimmed and maintained. Hedges are permitted to be planted and grown immediately adjacent to fences.

(b) Where existing hedges are utilized in any zoning district as an alternative to a fence, consistent with this code, on February 18, 1998; said hedge may continue to be utilized as a substitute for a fence; provided, that said hedge is at all times, living, neatly trimmed and maintained, and is substantially opaque in that it operates to block light emissions to abutting properties. At such time that a hedge used as a substitute for a fence pursuant to this paragraph is no longer living or is in such condition that it is no longer substantially opaque in that it operates to block light emissions to abutting properties, then the property owner shall install a fence that conforms to this section.

(11) Development sites that do not conform with §§ 7A-34, 7A-35, 7A-36, 7A-37 or 7A-38 of the Land Development Code as of November 19, 2008 shall be required to come into compliance when development, or redevelopment occurs that represents 50% or more of the current market value of the improvements contained on the property, or a change in the use of the property consisting of residential to commercial or residential to a special exception use.

(75 Code, Appendix A, Art. VII, § 5) (Ord. passed 9-26-72; Am. Ord. 76-3, passed 8-10-76; Am. Ord. 85-7, passed 11-12-85; Am. Ord. 97-04, passed 3-16-98; Am. Ord. 2006-12, adopted 8-14-07; Am. Ord. 2008-09, adopted 11-19-08; Am. Ord. 2017-05, adopted 12-20-17)

§ 7A-54. REDIVISION OF LOTS.

No lot or group of lots shall be redivided in a manner to leave a lot or lots of a size which cannot be used because of the inability to meet the remaining requirements of the Land Development Code. (75 Code, Appendix A, Art. VII, 6) (Ord. passed 9-26-72; Am. Ord. 2017-05, adopted 12-20-17)

§ 7A-55. BUILDING CONSTRUCTION.

(a) All buildings shall be constructed with the lowest floor level at least 18 inches above the crown of the highest street perpendicular to the foundation to which the property abuts. When an applicant for a building permit submits plans for review by the Town of the proposed construction, the building plans of the principal structure shall be fully dimensioned sealed to-scale drawings, clearly showing street elevation, existing property elevation, proposed finished floor elevation, FEMA flood zones and elevation, and maximum height.

(b) All buildings shall be elevated as required by federal, state and local minimum elevations. The greatest of the minimum elevations stipulated by any of the governmental agencies with jurisdiction shall be required. Any elevation of a building above the required elevation will be included in the measurement of building height. In the absence of higher federal or state elevations, the Town of Melbourne Beach requires minimum building elevations to be measured from a point 18 inches above the crown of the street on which the property abuts. In the event the existing grade of a property is higher than 18 inches above the crown of the road or higher than federal or state requirements then the building height shall be measured from the existing grade.

(75 Code, Appendix A, Art. VII, § 7) (Ord. passed 9-26-72; Am. Ord. 2004-01, adopted 9-15-04; Am. Ord. 2006-08, adopted 8-30-06; Am. Ord. 2017-05, adopted 12-20-17)

§ 7A-56. PROHIBITED CERTAIN COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

One commercial vehicle of not more than 3/4-ton capacity may be stored in any private garage in a residential district. Space shall not be leased for a commercial vehicle.

(75 Code, Appendix A, Art. VII, § 8) (Ord. passed 9-26-72; Am. Ord. 2017-05, adopted 12-20-17)

§ 7A-57. ACCESSORY STRUCTURES.

(a) (1) No accessory structure shall be erected in any front yard. Unless specifically defined in this chapter, no accessory structure shall be erected in any side yard. Except as otherwise provided by this chapter, no accessory structure shall exceed the height of the main structure. Unless specifically allowed in this chapter, no accessory structure other than a utility shed shall be constructed within 15 feet of any lot line.

SHED ROOF LINE CAN'T PLACE WATER ON NEIGHBORS PROPERTY.

Town Commission Meeting

Section: New Business
Meeting Date: June 15, 2022
Subject: Team Building Event
From: Elizabeth Mascaro, Town Manager

Background Information:

In an effort to encourage non work related interactions between departments, strengthen the relationships between employees and provide a few hours of light-hearted comradery, I would ask the Commission's permission to close at noon on Friday, July 1st (the Friday before July 4th holiday on Monday).

Participation would be required unless the employee is already schedule off that day. We will have a pot luck lunch, games that require working cooperatively and games that provide an opportunity for employees to know each other better, as well as a little music, and possibly some softball and tug-of-war!

Recommendation: Consider and approve the Noon closing of Town Hall on Friday, July 1st.

Attachments: none.

Town Commission Meeting

Section: New Business
Meeting Date: June 15, 2022
Subject: Tourism Lagoon Project Grant
From: Elizabeth Mascaro, Town Manager

Background Information:

I received a call from Debra Webster of the Space Coast Office of Tourism regarding an available grant which will promote Tourism in conjunction with promoting the IRL's beauty, health and sustainability. The grant has no match with a cap of \$50,000 The grant application closes on June 22, 2022.

Debra suggested having an artist(s) paint our storm drains with phrases and pictures that promote lagoon health. We would then promote the painted drains on our social media encouraging residents and visitors to try and "Find the Painted Drains" and take pictures of themselves with our drains and post those them on Facebook. The individual can bring the drain locations to Town Hall to receive a town hall pin or some reward (slice of pizza, small ice cream, Cuban coffee?)

I participated in something very similar to this while in Estes Park, Colorado. If you took pictures of the 10 locations with Pica's (like a prairie dogs) and brought the pictures to Town Hall, you would receive a pin. I tried very hard to find all 10 but was unable to do so. I really did try to "win" though.

Recommendation:

Consider painting our storm drains or any other project that might promote IRL health, beauty and sustainability and encourage tourism in our Town.

Attachments: None

Town Commission Agenda Item

Section: New Business

Meeting Date: June 15, 2022

Subject: First Reading of Ordinance 2022-01 (Low Speed Vehicles)

Submitted By: Town Attorney Repperger

Background Information:

On July 21, 2021, the Town of Indialantic passed Ordinance No. 2021-06 authorizing the use of low speed vehicles within its jurisdiction.

On March 15, 2022, the Town Commission authorized moving forward with legislative intent to prepare and adopt an ordinance authorizing the use of low speed vehicles within the Town of Melbourne Beach and offering reciprocity to low speed vehicles permitted by the Town of Indialantic.

The attached draft ordinance creates Article IV of Chapter 30 related to the Town Traffic Code to authorize low speed vehicles.

Low speed vehicles must apply for a permit, provide name and address, provide proof of insurance, current driver's license (driving permit unacceptable), and liability waiver.

Low speed vehicles must meet enumerated equipment and safety standards.

Low speed vehicles must be permitted/registered with the Town on any annual basis (decal provided) with applicable fee (Initial registration fee of \$100.00 plus a permit fee of \$50.00 which must be renewed annually for the period January 1st to December 31st. The renewal permit fee shall be \$50.00.).

Low speed vehicles are prohibited on Highway A1A.

Recommendation:

Approve/Pass Ordinance 2022-01 on First Reading.

Attachments:

- Draft Ordinance 2022-01.

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE TRAFFIC CODE OF THE TOWN; MAKING FINDINGS; CREATING SECTIONS 30-100 THROUGH 30-109, TOWN CODE OF ORDINANCES, AUTHORIZING THE OPERATION OF LOW SPEED VEHICLES WITHIN THE TOWN; PROVIDING LEGISLATIVE INTENT AND DEFINITION; PROVIDING FOR AUTHORIZED USE AND OPERATION OF LOW SPEED VEHICLES; PROVIDING FOR PERMITS, APPLICATIONS, DECALS, INSPECTION, AND PERMIT REVOCATION; SETTING FORTH REQUIRED EQUIPMENT; PROVIDING FOR WAIVER OF CLAIMS; SETTING FORTH UNLAWFUL CONDUCT AND PROHIBITIONS; PROVIDING PARKING REGULATIONS; CREATING PROVISIONS FOR ENFORCEMENT; PROVIDING FOR RECIPROCITY WITH THE TOWN OF INDIALANTIC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the Town is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the State of Florida's Uniform Traffic Control Law, Florida Statutes Section 316.2122, permits the use of low speed vehicles on Florida roadways under certain provisions and conditions of law; and

WHEREAS, this Ordinance is intended to permit the operation of low speed vehicles within the Town of Melbourne Beach pursuant to the provisions of this Ordinance which are intended to promote the public safety, health, and welfare; and

WHEREAS, the Town of Melbourne Beach desires to offer reciprocity to low speed vehicles authorized to operate within the Town of Indialantic; and

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

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

SECTION 2. That Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Article IV which shall be titled and read as follows:

ARTICLE IV. LOW SPEED VEHICLES

SECTION 3. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-100 which be titled and read as follows:

§ 30-100. DEFINITIONS.

LOW SPEED VEHICLE (LSV). A "Low Speed Vehicle (LSV)" shall mean any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but not limited to, neighborhood electric vehicles. (See Fla. Stat. s. 320.01(41)).

PERMIT/REGISTRATION. The words "permit" or "registration" mean the official authorization issued by the Town police department pursuant to this Article designating that a low speed vehicle meets the requirements of this Code.

PROHIBITED STREETS. The phrase "prohibited streets" means Highway A1A.

STREETS. The word "streets" means, for purposes of this Article, all paved surfaces (excluding sidewalks) of streets and roads with the Town that are not prohibited streets.

SECTION 4. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-101 which be titled and read as follows:

§ 30-101. AUTHORIZED USE AND OPERATION OF LOW SPEED VEHICLES.

(a) Drivers licensed to drive motor vehicles may operate low speed vehicles that have been issued permits by the Town on any street within the town in compliance with this Article and all statutes, regulations and ordinances governing traffic control, including traffic control devices and the operation, stopping and parking of vehicles. Such vehicles may not be operated within the

right-of-way of any prohibited street. Further, the authorization granted by this Article to operate low speed vehicles on the streets of the Town does not authorize operation of such vehicles on sidewalks, bicycle paths, swales or other stormwater facilities or structures or within or on any park in the Town.

(b) The prohibition of operating a low speed vehicle on prohibited streets does not prohibit the operation of a low speed vehicle solely for the purpose of crossing a prohibited street at vehicular intersections.

(c) A permit to use a low speed vehicle issued pursuant to this Article does not allow entry onto private or semi-private property, including retail parking lots, private roads or condominium or homeowners' association common areas. Access to these areas may be regulated and restricted by the owners of such property. Further, such use does not allow entry or parking upon any property owned by another public or quasi-public entity such as Brevard County, and any of its departments/agencies, and the Brevard County School Board.

SECTION 5. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-102 which be titled and read as follows:

§ 30-102. PERMIT; REVOCATION.

The operation of a low speed vehicle on streets shall be deemed a use permitted by the Town which is revocable in whole or in part upon the will of Town Commission in its legislative capacity based upon its consideration of the general health, safety, and welfare of the public arising from such use. The issuance of a permit or other permission for the operation of low speed vehicles on streets shall not limit or otherwise preclude the Town Commission from amending this Article IV, repealing this Article IV in its entirety, contracting or expanding the streets and prohibited streets, or changing the designation of crossing points for prohibited streets. Any person operating a low speed vehicle within the Town pursuant to a permit issued by the Town shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed low speed vehicle operation within the Town or any monetary claim based upon a claim for action in reliance on the provisions of this Article. The Town Commission retains the unlimited legal authority to revoke, amend, or otherwise legislate regarding the operation of low speed vehicles on Town streets without liability of any kind arising from its legislative decisions. The issuance by the Town of a Town permit is not and shall not be construed to be a contract between the Town and the registrant or any operator of a low speed vehicle. Issuance of a permit by the Town does not authorize the operation of a low speed vehicle in any other municipal jurisdiction outside of the Town or area of unincorporated Brevard County, except as to the application of reciprocity with the Town of Indian River as provided in § 30-109.

SECTION 6. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-103 which be titled and read as follows:

§ 30-103. WAIVER OF CLAIMS.

By acceptance of a permit to register with the Town and operate a low speed vehicle by any authorized person, and all persons who are passengers in such vehicle, shall be deemed to have waived any claim against the Town for its legislative decision to allow operation of such low speed vehicles on streets in compliance with this Article. The consideration and adoption of this Article by Town Commission is declared to be a legislative act of the Town.

SECTION 7. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-104 which be titled and read as follows:

§ 30-104. PERMIT APPLICATION; REGISTRATION; DECAL.

(a) All low speed vehicles operating on streets shall, prior to such operation, be registered with the Town on an annual basis as provided herein. A registration decal provided by the Town must be visibly affixed to each registered low speed vehicle on the rear bumper of that vehicle. The registration decal must be current at all times the low speed vehicle is operated on streets.

(b) Each person wishing to operate a low speed vehicle on streets must apply for a permit with the police department to operate and register that vehicle with the Town. The application shall include the name(s) and address(es) of the owner(s) of the low speed vehicle, copies of current driver's license(s) of all persons who own and will operate the low speed vehicle, and proof of insurance required by Fla. Stat. ss. 316.2122 and 320.02, which insurance must be kept in effect at all times. (See Fla. Stat. s. 320.02(5)).

(c) Each permit application shall be accompanied by a \$150.00 permit/registration fee which shall cover the period January 1st to December 31st. Any permit/registration issued by the Town shall include a registration fee of \$100.00 and a permit fee of \$50.00, and must be renewed annually for the period January 1st to December 31st. The renewal permit fee shall be \$50.00 for each year of renewal of the same low speed vehicle.

SECTION 8. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-105 which be titled and read as follows:

§ 30-105. INSPECTION; REQUIRED EQUIPMENT.

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

(b) In order for any low speed vehicle to be registered and operate within the town, said vehicle must meet the following minimum safety requirements which must be in operating order:

- (1) Headlamps;
- (2) Florida Department of Transportation approved windshield;

(3) Driver-side and interior rear-view mirrors or both driver-side and passenger-side mirrors;

(4) Parking lamps;

(5) Front and rear turn signals meeting the minimum standards of Fla. Stat. s. 316.234(2);

(6) Brake lamps meeting the minimum requirements of Fla. Stat. s. 316.234(1);

(7) Side reflex reflectors;

(8) Horn;

(9) Low speed vehicle (LSV) triangle reflector affixed to the rear of the vehicle;

(10) Seat belt for each designated seat;

(11) Tires meeting manufacturer's specifications;

(12) Reliable steering apparatus; and

(13) Vehicle identification number (VIN) or manufacturer's serial number.

(See Fla. Stat. Sec. 316.2122(2) and 49 C.F.R. s. 571.500)

(c) Upon the successful completion of an inspection performed by the Town police department, and as a condition of issuance of any registration and decal, the owner(s) must sign an acknowledgment(i) recognizing the necessity of obtaining annual inspections/registration for any low speed vehicle, together with payment of an annual registration fee, (ii) receipt of a copy of this Article IV governing low speed vehicles; and (iii) a waiver of liability satisfying the requirements of § 30-103.

SECTION 9. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-106 which be titled and read as follows:

§ 30-106. PROHIBITIONS.

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

(1) Where any of the required equipment or information set forth in § 30-105 (b) is either inoperative or missing;

(2) Without a current valid motor vehicle operator's driver's license;

(3) Without insurance required by this article or state law. Proof of insurance must be presented to a law enforcement officer upon request;

(4) On the right-of-way of any prohibited street (except to properly cross to the other side as provided in this article), or on any sidewalk, bike path, swale or other stormwater facilities or structures or within or on any park in the Town;

(5) Without a valid registration issued by the Town or properly exhibited registration decal issued by the Town;

(6) That obstructs or interferes with normal traffic flow;

(7) Which carries more passengers than the registered low speed vehicle was designed, or for which there are more passengers than there are seat belts provided;

(8) Where the driver and/or any passengers are not properly using their seat belts or fail to comply with any laws governing use of child restraint equipment. Further, no child shall be allowed to sit in the lap of the driver or any passenger. The driver and all

passengers must remain seated with their seatbelts properly fastened at all times the low speed vehicle is in motion, and no parts of the body of any occupant of the low speed vehicle may extend outside the vehicle;

(9) In violation of any state traffic law or regulation or Town Code provision of the Town applicable to the operation of motor vehicles; or

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

SECTION 10. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-107 which be titled and read as follows:

§ 30-107. PARKING.

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

SECTION 11. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-108 which be titled and read as follows:

§ 30-108. ENFORCEMENT.

(a) Violations of this Article shall be enforced by the police department pursuant to Fla. Stat. ch. 316 and Fla. Stat. ch. 320. and applicable provisions of the Town Code.

(b) In addition to enforcement pursuant to subsection (a) above, any person operating a low speed vehicle without a proper registration or decal issued by the Town shall be fined \$100.00 for the first violation, \$150.00 for the second violation and \$200.00 for the third and each subsequent violation.

SECTION 12. That Article IV of Chapter 30 of the Code of Ordinances of the Town of Melbourne Beach is hereby amended to create Section 30-109 which be titled and read as follows:

§ 30-109. RECIPROCITY WITH THE TOWN OF INDIALANTIC.

(a) Any low speed vehicle authorized to operate within the Town of Indialantic pursuant to Article IV of Chapter 32 of the Town of Indialantic Code of Ordinances may operate with the Town of Melbourne Beach.

(b) Any low speed vehicle authorized to operate within the Town of Melbourne Beach pursuant to this Article, may operate within the Town of Indialantic if authorized under Article IV of Chapter 32 of the Town of Indialantic Code of Ordinances.

SECTION 13. 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 14. 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 14. Effective Date.

This Ordinance shall become effective _____, 2022.

SECTION 15. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 15th day of June, 2022, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 20th day of July, 2022.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
WYATT HOOVER, Mayor

ATTEST:

(TOWN SEAL)

Amber Brown,
Interim Town Clerk



Town Manager Report for June 2022

1. Attended P&Z Meeting with Robert Bitgood
2. Attended (Monday) SCLOC dinner with Vice Mayor Barton and Commissioner Quarrie.
3. Attended meeting with Town Attorney Repperger, Robert Bitgood, Nathan Meloon and Paul Grycko to resolve a dispute over a concrete slab and portable spa.
4. Attended Executive Session with Commission.
5. EAB requested a rain barrel be placed on the Town Hall Complex to encourage others to use rain barrels. Would the Commission like the barrel painted?
6. The resident workshop for the S.E.A. project will be scheduled for August as the resident coordinator isn't available during July.
7. The Community Center roof installation will begin on June 23rd.
8. Met with James Moore of EVPlug for an evaluation on the installation of a dual electric charging station. I will be receiving a quote. Currently working with Cape Canaveral, Satellite Beach and Palm Bay to install Level II charging stations.
9. Congratulations to Dr. Kelli Hunsucker of our EAB Board for being honored with the John Bleakley Marine Science Educator of the Year award by the Florida Marine Science Educators Association.
10. All departments are posting identical hurricane awareness messages on their social media every Thursday now that hurricane season has begun.
11. The Police Department, joined by Public Works and hopefully the Fire Department will begin their Summer Safety Series again this year.
12. First draft of annual budget presented to the Commission on June 8, 2022.
13. Sent an email to Haley Panton (Parks Board) asking her to meet with me to discuss the splash pad. Waiting for a response.



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Building Department Report

MAY 2022

- 54 permits issued
- Construction Value of the 54 permits totaled \$873,712.00
- Total Permit fees \$15,011.02
- 105 inspections completed
- 62 plans reviewed
- 2 Single-Family Site Plan review for P&Z
- 3 BTR reviews
- 3 Vacation Rental inspections
- 0 New homes

Melbourne Beach Permit List

06/01/2022

1/2

Permit	Type	Address	Applicant	Issued	Expired
PWDS22-0017	window, Door, & Shutter	300 ATLANTIC ST	PRECISION DOOR SERVICES OF BREVARD	05/31/202	11/27/202
PWDS22-0016	window, Door, & Shutter	403 RIVERSIDE DR	PARADISE GARAGE DOOR SERVICES INC	05/23/202	11/19/202
PWDS22-0015	window, Door, & Shutter	1700 ATLANTIC ST 9	CONSTRUCT IT INC	05/23/202	11/19/202
PWDS22-0014	window, Door, & Shutter	2005 ATLANTIC	Omega Garage Doors of Mid Florida Inc	05/13/202	11/09/202
PWDS22-0012	window, Door, & Shutter	209 FIFTH AVE	A BETTER VIEW	05/05/202	11/01/202
PWDS22-0011	window, Door, & Shutter	1805 ATLANTIC ST	NEIGHBORHOOD WINDOWS AND DOORS	05/12/202	11/08/202
PWDS22-0008	window, Door, & Shutter	217 ASH AVE	NEWSOUTH WINDOW SOLUTIONS LLC	05/23/202	11/19/202
PWDS22-0004	window, Door, & Shutter	309 SURF RD	BLUE HORIZON RENOVATIONS, LLC	05/03/202	10/30/202
PSOL22-0003	Solar	2009 NEPTUNE DR	FREEDOM FOREVER FLORIDA LLC	05/20/202	11/16/202
PSOL22-0002	Solar	409 PELICAN KY	FLORIDA SUN SERVICES	05/09/202	11/05/202
PSH22-0001	Shed	700 PINE ST	OUELLETTE, MARK & AMBER	05/18/202	11/20/202
PRR22-0012	Reroof	205 ELM AVE	TOTAL HOME ROOFING AND CONSTRUCTION	05/20/202	11/16/202
PRR22-0011	Reroof	327 AVENUE A	EAGLE ROOFING AND CONSTRUCTION LLC	05/17/202	11/13/202
PRR22-0009	Reroof	407 SOUTH PALM AVE	POE ROOFING AND CONSULTING INC	05/13/202	11/09/202
PRR22-0007	Reroof	1211 ATLANTIC ST	G&G ROOFING CONSTRUCTION INC CHEYANNE@CFLROOFING.COM	05/03/202	10/30/202
PRB22-0009	Res Building	300 BANYAN WAY	BC RENO GROUP	05/26/202	11/22/202
PRB22-0006	Res Building	1802 PINE ST	ARCHANGEL ENGINEERING & CONSTRUCTION INC	05/02/202	11/23/202
PRB22-0001	Res Building	405 RIVERSIDE DR	CK Development LLC	05/16/202	11/12/202
PPRO22-0004	Propane	406 HIBISCUS TRL	SUBURBAN PROPANE	05/16/202	11/12/202
PPL22-0002	Pool	807 RIVERSIDE DR	LEGACY POOLS	05/05/202	11/01/202
PPCD22-0011	Paver, Concrete, & Deck	311 OCEAN AVE	TITAN PAVERS	05/12/202	11/15/202
PPCD22-0010	Paver, Concrete, & Deck	506 POINSETTIA RD	ELITE PAVERS & PRICE RITE PAINTING INC	05/13/202	11/09/202
PPCD22-0009	Paver, Concrete, & Deck	611 MANGO DR	ALLIANCE PAVERS	05/12/202	11/08/202
PPCD22-0008	Paver, Concrete, & Deck	211 FIR AVE	SEASCAPE ORNAMENTAL GARDENING	05/04/202	10/31/202
PPCD22-0007	Paver, Concrete, & Deck	418 MAGNOLIA AVE	ELITE PAVERS & PRICE RITE PAINTING INC	05/04/202	11/23/202
PPCD22-0005	Paver, Concrete, & Deck	531 SUNSET BLVD	Surfside Pavers Inc.	05/12/202	11/08/202
PP22-0005	Plumbing	212 BIRCH AVE	Steven Rutherford	05/13/202	11/12/202
PP22-0003	Plumbing	309 SURF RD	Freedom Air & Heat Inc	05/04/202	11/22/202
PP22-0002	Plumbing	522 OCEAN AVE	DAVID K SOOY	05/02/202	11/23/202

Melbourne Beach Permit List

06/01/2022
2/2

Permit	Type	Address	Applicant	Issued	Expired
PMIS22-0001	Miscellaneous	325 HIBISCUS TRL	ANCHOR PAINTING, INC	05/06/202	11/02/202
PMB22_133	Construction	400 PELICAN KY	Brevard Pools Inc	05/20/202	11/16/202
PMB22_132	Construction	1805 ATLANTIC ST 113	American Air & Heat of Brevard	05/03/202	10/30/202
PMB21_624	Construction	1703 ORANGE ST	DANNER, LAURA	05/17/202	11/13/202
PM22-0028	Mechanical	400 RIVER VIEW LN	ATLAS AIR AND ICE LLC	05/31/202	11/27/202
PM22-0027	Mechanical	301 OAK ST	Shawn M Platt	05/24/202	11/20/202
PM22-0026	Mechanical	1404 ATLANTIC ST	Jerry Lawson	05/23/202	11/19/202
PM22-0024	Mechanical	204 ELM AVE	Kristin N Kelly	05/20/202	11/16/202
PM22-0022	Mechanical	501 SECOND AVE	David Mastrodonardo	05/16/202	11/12/202
PM22-0021	Mechanical	313 OAK ST	WHITLOCK, GARY	05/13/202	11/09/202
PM22-0020	Mechanical	410 DRIFTWOOD AVE	MICHAEL HILLGER	05/12/202	11/08/202
PM22-0019	Mechanical	300 OCEAN AVE	Durham & Sons Inc	05/12/202	11/08/202
PM22-0018	Mechanical	2150 ATLANTIC ST	Island Air & Heat Inc	05/17/202	11/23/202
PM22-0017	Mechanical	707 HIBISCUS TRL	WHITLOCK, GARY	05/04/202	11/20/202
PM22-0016	Mechanical	414 POINSETTIA RD	Morris E Hill	05/06/202	11/02/202
PM22-0012	Mechanical	1500 ATLANTIC ST	ROBERT C MARCELLE	05/19/202	11/15/202
PM22-0011	Mechanical	1904 ROSEWOOD DR	Wayne Cormier	05/03/202	10/30/202
PM22-0007	Mechanical	503 HIBISCUS TRL	Robert Miller	05/20/202	11/16/202
PF22-0010	Fence	447 RIVER VIEW LN	American Fence of Brevard	05/13/202	11/09/202
PF22-0009	Fence	307 SUNSET BLVD	FENCE OUTLET INC	05/16/202	11/12/202
PF22-0008	Fence	901 RIVERSIDE DR	American Fence of Brevard	05/12/202	11/08/202
PF22-0003	Fence	206 OAK ST	Carrie's Fence of Palm Bay	05/16/202	11/14/202
PE22-0003	Electrical	514 OCEAN AVE	Island Air & Heat Inc	05/17/202	11/13/202
PE22-0002	Electrical	207 DOGWOOD AVE	COMMERCIAL ELECTRIC & MAINTENANCE	05/10/202	11/16/202
PD22-0001	Demolition	300 BANYAN WAY	BC RENO GROUP	05/26/202	11/22/202

Total Permits: 54

Public Works Activities

May 2022

Sunset Blvd. project – over 2 weeks of this month was spent on this project because it was a large undertaking. Completed and to date seems to have helped with stormwater.

Founders Day prep

Assisted FD constructing shade covers in Ryckman Park

Landscaped areas of Ryckman House and new parking areas Ryckman

Posted Founders day banners

Plants installed new planters at Ocean Park

New flag Ocean Park turnaround

Toilet part replaced restroom Ocean Park – maintenance

Installed one in ground and one tree mount up lighting oaks Ryckman Park

Trimmed Loggerhead park area

Watered oaks on oak – now have tank and pump to allow more frequent watering



Melbourne Beach Police Department

Monthly Report

May 2022



Operations:

- In May 2022, The Department responded to 1304 calls for service and 52 house checks.

Activity:

- 1 Arrest
- 1 Traffic (No Driver's License)
- 1 Capias
- 24 Citations
- 95 Traffic Stops
- 105 Traffic Enforcement
- 6 Traffic Complaint
- 67 Parking Citations

Our radar trailers are operational and are being used throughout the Town.

PD News

- Movies in the Park was successful. It was held in the Community Center due to inclement weather.
- Founders Day was successful from the safety standpoint of the Police Department. Thank you to all the officers and our Administrative Assistant, Amber Brown, for your hard work keeping our residents and visitors safe.
- We participated in the annual "Hometown Heros" event at The Melbourne Square Mall on May 21, 2022. Thank you, Sgt. Sadler, Ofc. Tejeda, Police Chaplin Finlayson and Admin Assist Megan Miller.

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



	MAY	APR	MAR	FEB	JAN								YTD
Total Calls for Service	1356	1049	957	937	940								3883
Total Felonies	0	10	8	5	5								28
Total Misdemeanors	6	16	13	3	7								39
Total Capias Requests	1	3	2	2	1								8
Total Traffic Arrests	1	1	3	0	0								4
Total Other Arrests	0	7	5	2	4								18
911 Investigation	21	19	23	17	14								94
Alarm Business	3	3	18	1	4								29
Alarm Residence	7	2	1	3	0								13
Aggravated Assault	0	0	0	0	1								1
Animal Complaint	6	1	5	7	10								29
AOA Fire	1	2	1	3	0								7
AOA LEO	9	20	27	19	22								97
Assist Citizen	12	6	11	9	5								43
Assist DCF	0	1	1	1	0								3
Assist Motorist	2	1	2	1	0								6
Attempt To Contact	3	5	1	3	5								17
Baker Act	0	1	1	1	1								4
Battery	2	1	2	2	0								7
Burglary - Residential	0	0	2	0	0								2
Burglary - Vehicle	0	2	1	0	1								4
Civil Matter	2	2	1	2	2								9
Crash	4	6	7	8	2								27
Criminal Mischief	2	2	1	2	0								7
Deceased Person	0	1	0	0	0								1
Disturbance	7	0	2	2	0								11
Disturbance Domestic	2	1	3	2	1								9
Disturbance Domestic Battery	0	2	1	0	1								4
Disturbance Noise	3	3	3	0	1								10
Fraud/Forgery	0	1	2	1	0								4
House Checks	52	71	41	66	92								322
Illegal Parking	68	41	47	68	39								263
Information	9	23	7	15	8								62
Injured/Ill Person	28	10	24	18	17								97



Melbourne Beach Police Department



	MAY	APR	MAR	FEB	JAN								YTD
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Intoxicated Driver	0	1	0	0	1									2
Intoxicated Person	0	1	0	0	1									2
Investigation	0	4	2	1	2									9
Narcotics	0	1	0	1	0									2
Open Door	5	4	1	5	5									20
Parking Citations	67	50	71	79	50									317
Patrol Area	103	71	65	86	80									405
Patrol Area Business	216	311	179	170	169									1045
Patrol Area Residential	487	326	244	226	320									1603
Patrol Area School	31	43	43	44	38									199
Property Confiscated	0	1	4	1	0									6
Property Found	4	4	3	3	0									14
Property Lost	1	0	0	1	0									2
Reckless Driving	5	4	5	6	6									26
Retail Theft	1	0	0	0	0									1
Shooting in the Area	0	0	0	0	1									1
Soliciting	0	0	0	1	0									1
Special Detail	1	0	1	0	1									3
Special Response ATV	0	0	1	0	0									1
Special Response Drone	2	0	0	0	0									2
Standby-Keep the Peace	0	2	1	0	1									4
Suspicious Incident	15	7	8	8	7									45
Suspicious Person	11	12	16	9	3									51
Suspicious Vehicle	19	8	19	19	13									78
Theft	2	2	2	0	1									7
Traffic Citations	24	43	28	28	25									148
Traffic Complaint	6	1	4	1	2									14
Traffic Enforcement	105	89	92	105	83									474
Traffic Stop	95	103	97	110	102									507
Traffic Obstruction	2	0	1	0	0									3
Trespass	3	2	3	1	0									9
Vehicle Inspection	1	1	3	3	2									10
Vehicle Repo/Tow	0	0	1	0	0									1
Wanted Person	0	0	1	0	0									1
														0
														0
														0



Melbourne Beach Police Department



Vehicle Mileage	MAY	APR	MAR	FEB	JAN									
Car 360	910	957	590	511	379									2437
Car 361	798	709	491	774	872									2846

Car 363	648	1195	1088	1047	885								4215
Car 364	80	107	77	94	86								364
Car 366	813	678	838	908	978								3402
Car 367	1206	973	821	901	1354								4049
ATV 1	23	11	21	0	0								32
ATV 2	0	0	0	0	8								8



MELBOURNE BEACH POLICE DEPARTMENT
Jason Hinchman
Sergeant

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



Monthly Report May 2022

- 05/11- Male subject was trespassed from a business in the 900 block of Oak Street.
- 05/12- Male/Female reported a domestic incident in the 400 block of Hibiscus Trail. Male/Female refused to provide any suspect information.
- 05/14- Male driver was stopped for no tail lights at Oak Street and Atlantic Street. The driver was arrested for no driver's license ever issued.
- 05/20- Disturbance in the 900 block of Oak Street. Three subjects were trespassed from the location.
- 05/21- Criminal mischief in the 500 block of Ocean Avenue. Unknown suspect, and the case is still under investigation.
- 05/21- Male subject was placed under a Marchmen Act in the 300 block of Ocean Avenue.
- 05/28- Two male subjects were in a disturbance in the area of Fourth Avenue and Orange Street. The victim filled out a decline to prosecute.



MELBOURNE BEACH POLICE DEPARTMENT
Jason Sadler
Sergeant

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



Sgt. Sadler Monthly Report May 2022

5/7- Domestic verbal in the 700 block of Riverside Drive. Female placed under a Marchman Act.

5/7- Retail theft in the 900 block of Oak Street. Stolen goods recovered by MBPD.

5/8- Juvenile found in the 1200 block of Oak Street past curfew who left a domestic disturbance originating in Indian Harbour Beach. We assisted IHBPD by returning the juvenile to them.

5/8- Traffic crash in the area of Oak Street and Ocean Avenue. No injuries and no major damage.

5/10- Traffic crash in the area of Atlantic Street and Third Avenue. No injuries and no major damage.

5/15- Missing endangered juvenile located in the 300 block of Ocean Avenue. Juvenile was placed under a Baker Act and a capias filed for retail theft from the 900 block of Oak Street.

5/18- Theft of a bicycle in the area of Fifth Avenue and Oak Street. Case pending investigation.

5/24- Male was issued a Trespass Warning in the 900 block of Oak Street.

5/25- Battery in the 1000 block of Atlantic Street. The victim declined prosecution.



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

FIRE DEPARTMENT MONTHLY REPORT

May 2022

Incident Response

For the month of May 2022, the Melbourne Beach Volunteer Fire Department responded to 27 calls for service. The average number of responding volunteer personnel per paged out call for the month was 11.

Breakdown:

- 11 Fire/Rescue 911 Calls (paged out)
- 3 Special Incidents (Fire Inspections)
- 4 First Responder EMS Incidents
- 1 Special Event Standby (Founders Day EMS coverage)
- 2 Assist Other Agency (MBPD & MBPW)
- 1 Hydrant Inspections (Entire jurisdiction)
- 2 Public Service calls
- 1 Investigate Citizen Complaint (possible broken water line)
- 2 False Calls

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 6/10/2022 7:21:42 PM



Incident Address and Type for Date Range (Landscape)

Incident Status(s): All Incident Statuses | Start Date: 05/01/2022 | End Date: 05/31/2022

INCIDENT #	DATE	LOCATION TYPE	ADDRESS	INCIDENT TYPE	ALARM	CLEARED SCENE
2022-62	05/03/2022		300 3rd AVE , Melbourne Beach, FL, 32951	Special type of incident, other	05/03/2022 10:26	05/03/2022 10:49
2022-63	05/04/2022		405 5th AVE , Melbourne Beach, FL, 32951	Special type of incident, other	05/04/2022 10:49	05/04/2022 11:20
2022-64	05/04/2022		400 Avenue B , Melbourne Beach, FL, 32951	Special type of incident, other	05/04/2022 13:33	05/04/2022 13:53
2022-65	05/04/2022		507 Ocean AVE , Melbourne Beach, FL, 32951	EMS call, excluding vehicle accident with injury	05/04/2022 14:42	05/04/2022 14:54
2022-66	05/07/2022		507 Ocean AVE , Melbourne Beach, FL, 32951	Cover assignment, standby, moveup	05/07/2022 05:38	05/07/2022 23:20
2022-67	05/10/2022		1501 Shannon AVE , Indialantic, FL, 32903	Dispatched & cancelled en route	05/10/2022 03:44	05/10/2022 03:53
2022-68	05/10/2022	Intersection	3rd AVE / Oak St, Melbourne Beach, FL, 32951	Assist police or other governmental agency	05/10/2022 10:07	05/10/2022 10:17
2022-69	05/10/2022		330 5th AVE , Indialantic, FL, 32903	False alarm or false call, other	05/10/2022 10:51	05/10/2022 11:09
2022-70	05/10/2022		1200 Orange ST , Melbourne Beach, FL, 32951	Medical assist, assist EMS crew	05/10/2022 16:05	05/10/2022 16:13
2022-71	05/10/2022		6355 Florida A1A HWY , Melbourne Beach, FL, 32951	Surf rescue	05/10/2022 16:54	05/10/2022 18:35
2022-72	05/12/2022	Intersection	Colony ST / Oak St, Melbourne Beach, FL, 32951	Citizen complaint	05/12/2022 18:53	05/12/2022 19:08
2022-73	05/13/2022		2100 Oak ST , Melbourne Beach, FL, 32951	Public service	05/13/2022 09:30	05/13/2022 10:11
2022-74	05/15/2022		2301 N Highway A1A , Indialantic, FL, 32903	Surf rescue	05/15/2022 08:56	05/15/2022 08:57
2022-75	05/17/2022		507 Ocean AVE , Melbourne Beach, FL, 32951	Service Call, other	05/17/2022 19:00	05/17/2022 20:59
2022-76	05/17/2022		2nd AVE , Melbourne Beach, FL, 32951	No incident found on arrival at dispatch address	05/17/2022 21:01	05/17/2022 21:13
2022-77	05/20/2022		2207 Atlantic ST Common Areas, Melbourne Beach, FL, 32951	Alarm system activation, no fire - unintentional	05/20/2022 10:13	05/20/2022 10:44
2022-78	05/23/2022		2203 Atlantic ST Common Areas, Melbourne Beach, FL, 32951	Alarm system sounded due to malfunction	05/23/2022 01:51	05/23/2022 02:35
2022-79	05/24/2022		507 Ocean AVE , Melbourne Beach, FL, 32951	Emergency medical service, other	05/24/2022 16:03	05/24/2022 16:28
2022-80	05/24/2022		507 Ocean AVE , Melbourne Beach, FL, 32951	False alarm or false call, other	05/24/2022 16:03	05/24/2022 16:28
2022-81	05/25/2022		2050 Atlantic ST 316, Melbourne Beach, FL, 32951	Medical assist, assist EMS crew	05/25/2022 09:04	05/25/2022 09:17
2022-82	05/25/2022	Directions	Oak ST / Oak Street & Bicentennial Park, Melbourne Beach, FL, 32951	Assist police or other governmental agency	05/25/2022 10:45	05/25/2022 12:19
2022-83	05/25/2022		809 Atlantic ST , Melbourne Beach, FL, 32951	Surf rescue	05/25/2022 13:24	05/25/2022 13:46
2022-84	05/26/2022		2545 S Hwy A1A , Melbourne Beach, FL, 32951	Surf rescue	05/26/2022 20:09	05/26/2022 20:46
2022-85	05/28/2022		140 6th AVE , Indialantic, FL, 32903	Alarm system sounded due to malfunction	05/28/2022 20:10	05/28/2022 20:26
2022-86	05/29/2022		809 Atlantic ST , Melbourne Beach, FL, 32951	Public service	05/29/2022 13:47	05/29/2022 14:43
2022-87	05/30/2022		325 Hibiscus TRL , Melbourne Beach, FL, 32951	Outside rubbish fire, other	05/30/2022 13:51	05/30/2022 14:39
2022-88	05/31/2022		2203 Atlantic ST Common Areas, Melbourne Beach, FL, 32951	Alarm system sounded due to malfunction	05/31/2022 09:47	05/31/2022 10:04

Location Type is only filled in when it is marked Intersection, Directions, or National Grid on Basic Info 3.

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 6/10/2022 7:38:01 PM



Personnel Count per Incident for Date Range

Start Date: 05/01/2022 | End Date: 05/31/2022

INCIDENT				NUMBER OF PEOPLE		
NUMBER	DATE	INCIDENT TYPE	FDID	ON APPARATUS	NOT ON APPARATUS	TOTAL
2022-62	5/3/2022 10:26:57	900 - Special type of incident, other	19112	1	0	1
2022-63	5/4/2022 10:49:09	900 - Special type of incident, other	19112	1	0	1
2022-64	5/4/2022 13:33:37	900 - Special type of incident, other	19112	1	0	1
2022-65	5/4/2022 14:42:36	321 - EMS call, excluding vehicle accident with injury	19112	1	1	2
2022-66	5/7/2022 05:38:10	571 - Cover assignment, standby, moveup	19112	2	6	8
** 2022-67	5/10/2022 03:44:07	611 - Dispatched & cancelled en route	19112	4	4	8
2022-68	5/10/2022 10:07:51	551 - Assist police or other governmental agency	19112	1	0	1
2022-69	5/10/2022 10:51:28	700 - False alarm or false call, other	19112	1	0	1
2022-70	5/10/2022 16:05:42	311 - Medical assist, assist EMS crew	19112	1	0	1
** 2022-71	5/10/2022 16:54:20	364 - Surf rescue	19112	12	7	19
2022-72	5/12/2022 18:53:10	911 - Citizen complaint	19112	1	0	1
2022-73	5/13/2022 09:30:00	553 - Public service	19112	1	0	1
** 2022-74	5/15/2022 08:56:50	364 - Surf rescue	19112	2	6	8
2022-75	5/17/2022 19:00:00	500 - Service Call, other	19112	9	4	13
** 2022-76	5/17/2022 21:01:17	622 - No incident found on arrival at dispatch address	19112	2	11	13
** 2022-77	5/20/2022 10:13:21	745 - Alarm system activation, no fire - unintentional	19112	4	5	9
** 2022-78	5/23/2022 01:51:41	735 - Alarm system sounded due to malfunction	19112	10	1	11
2022-79	5/24/2022 16:03:46	320 - Emergency medical service, other	19112	1	2	3
2022-80	5/24/2022 16:03:46	700 - False alarm or false call, other	19112	1	0	1
2022-81	5/25/2022 09:04:58	311 - Medical assist, assist EMS crew	19112	2	0	2
2022-82	5/25/2022 10:45:02	551 - Assist police or other governmental agency	19112	2	0	2
** 2022-83	5/25/2022 13:24:48	364 - Surf rescue	19112	5	3	8
** 2022-84	5/26/2022 20:09:04	364 - Surf rescue	19112	10	9	19
** 2022-85	5/28/2022 20:10:16	735 - Alarm system sounded due to malfunction	19112	6	7	13
2022-86	5/29/2022 13:47:38	553 - Public service	19112	2	0	2
** 2022-87	5/30/2022 13:51:26	150 - Outside rubbish fire, other	19112	6	2	8
** 2022-88	5/31/2022 09:47:55	735 - Alarm system sounded due to malfunction	19112	6	3	9

TOTAL # OF INCIDENTS: 27

AVERAGES:

3.5

2.6

6.1

Total # of incidents
paged out for volunteer
emergency response: 11

**** Without EMS Assist or Service Calls:
(Paged out calls only)**

6.1

5.3

11.4

Only REVIEWED incidents included

Note: 900 series "Special Incidents" include fire inspections performed.



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Memo

To: Mayor, Vice Mayor and Commissioners
From: Jennifer Kerr, Finance Manager
Date: June 9, 2022
Re: May 2022

We are in the eighth month of our fiscal year 2022. The target expenditure rate for May is 66.67%. All departments are managing their expenditures even though several lines are over the targeted expenditure rate. There are budget items over the target rate but within the anticipated spending of that budget line. There are budget items over the target rate that are being monitored for spending within that budget line. There are items that 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 67.18%. The Departmental expenditure rate breakdown is as follows:

Legislative:	60.36%
Executive:	53.98%
Finance:	77.88%
Legal:	61.53%
Comp & Plan:	38.75%
General Services:	63.47%
Law Enforcement:	61.64%
Fire:	60.22%
Code:	65.44%
Public Works:	67.31%
Parks:	74.30%

Discussion Items:

Pre-employment expense is over expended. The loss of the previous Admin Assistant and the cost to advertise the new Finance Clerk position was not anticipated.

The increase in equipment maintenance in the General Fund, Department 19, is due to the air conditioning unit replacement.

Public Works has seen a rise in cost for maintenance supplies and to maintain the Town Buildings and Grounds. These line items are over expended but the overall Public Works budget is within the budget limits.

Due to inflation all departments have experienced a rise in the cost of operations. Despite this all departments are doing a good job of staying within their overall budgets.



Town of Melbourne Beach Finance Department

The Town received \$19,968.34 in Parking Revenue for May. The breakdown is as follows:

Ocean Park: \$11,929.38

Ryckman Park: \$ 8,038.96

The Town has been awarded \$2,534 from Florida Municipal Insurance Trust (FMIT) through the Safety Grant Award Program.

EXPENDITURE FOR TOWN OF MELBOURNE BEACH

Balance As Of 05/31/2022

Fund: 001 GENERAL FUND

Account Category: Expenditures	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-00-581.00.00	TRANSFER OUT	0.00	0.00	0.00	(146,500.00)	100.00
Total Dept 00		0.00	0.00	0.00	(146,500.00)	100.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 11 LEGISLATIVE						
001-11-500.11.00	EXECUTIVE SALARIES	16,200.00	16,200.00	0.00	5,398.08	66.68
001-11-500.12.00	REGULAR SALARIES	60,705.00	60,705.00	0.00	18,436.59	69.63
001-11-500.21.00	FICA TAXES - EMPLOYER PORTION	4,644.00	4,644.00	0.00	630.22	86.43
001-11-500.22.20	RETIREMENT TOWN EMPLOYEES	6,568.00	6,568.00	0.00	2,102.73	67.99
001-11-500.23.01	HEALTH INSURANCE	8,568.00	8,568.00	0.00	2,046.88	76.11
001-11-500.23.02	LIFE INSURANCE	70.00	70.00	0.00	24.96	64.34
001-11-500.25.00	UNEMPLOYMENT COMPENSATION	194.00	194.00	0.00	124.84	35.65
001-11-510.31.00	PROFESSIONAL SERVICES	250.00	250.00	0.00	250.00	0.00
001-11-510.40.00	TRAVEL & MEETINGS	3,640.00	3,640.00	0.00	3,111.25	14.53
001-11-510.40.10	TRAVEL & MEETINGS - STAFF	2,788.00	2,788.00	0.00	2,768.33	0.71
001-11-510.47.00	PRINTING	5,015.00	5,015.00	0.00	3,410.16	32.00
001-11-510.48.00	PROMOTIONAL ACTIVITIES	600.00	600.00	0.00	96.53	83.91
001-11-510.48.40	LEGAL NOTICES	10,000.00	10,000.00	0.00	6,373.49	36.27
001-11-510.49.50	ELECTION EXPENSE	2,500.00	2,500.00	0.00	2,500.00	0.00
001-11-510.54.00	DUES & SUBSCRIPTIONS	875.00	875.00	0.00	190.00	78.29
001-11-510.54.10	TRAINING & SCHOOLS	4,410.00	4,410.00	0.00	4,110.00	6.80
001-11-510.64.00	MACHINERY & EQUIPMENT	2,000.00	2,000.00	0.00	2,000.00	0.00
001-11-543.00.00	LICENSES & FEES	7,421.00	7,421.00	0.00	511.34	93.11
		136,448.00	136,448.00	0.00	54,085.40	60.36

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 12 EXECUTIVE						

001-12-500.12.00	REGULAR SALARIES	121,960.00	121,960.00	0.00	55,853.16	54.20
001-12-500.21.00	FICA TAXES - EMPLOYER PORTION	9,330.00	9,330.00	0.00	3,620.85	61.19
001-12-500.22.01	RETIREMENT - ICMA	10,820.00	10,820.00	0.00	3,817.08	64.72
001-12-500.22.20	RETIREMENT TOWN EMPLOYEES	2,376.00	2,376.00	0.00	2,376.00	0.00
001-12-500.23.01	HEALTH INSURANCE	25,697.00	25,697.00	0.00	14,639.58	43.03
001-12-500.23.02	LIFE INSURANCE	735.00	735.00	0.00	224.25	69.49
001-12-500.25.00	UNEMPLOYMENT COMPENSATION	390.00	390.00	0.00	286.33	26.58
001-12-510.40.00	TRAVEL & MEETINGS	1,320.00	1,320.00	0.00	513.86	61.07
001-12-510.52.50	GAS & OIL	2,400.00	2,400.00	0.00	800.00	66.67
001-12-510.54.00	DUES & SUBSCRIPTIONS	895.00	895.00	0.00	349.00	61.01
001-12-510.54.10	TRAINING & SCHOOLS	450.00	450.00	0.00	450.00	0.00
		176,373.00	176,373.00	0.00	82,930.11	52.98

Department: 13 FINANCE

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-13-500.12.00	REGULAR SALARIES	61,234.00	61,234.00	0.00	18,693.46	69.47
001-13-500.21.00	FICA TAXES - EMPLOYER PORTION	4,684.00	4,684.00	0.00	1,538.03	67.16
001-13-500.22.20	RETIREMENT TOWN EMPLOYEES	6,626.00	6,626.00	0.00	2,131.28	67.83
001-13-500.23.01	HEALTH INSURANCE	7,835.00	7,835.00	0.00	309.45	96.05
001-13-500.23.02	LIFE INSURANCE	70.00	70.00	0.00	13.70	80.43
001-13-500.25.00	UNEMPLOYMENT COMPENSATION	196.00	196.00	0.00	126.56	35.43
001-13-510.31.00	PROFESSIONAL SERVICES	7,000.00	7,000.00	0.00	1,366.47	80.48
001-13-510.32.00	AUDITING SERVICES	23,000.00	23,000.00	0.00	(50.00)	100.22
001-13-510.32.90	BANKING FEES	4,700.00	4,700.00	0.00	31.44	99.33
001-13-510.32.95	IPS BANKING FEE	3,708.00	3,708.00	0.00	1,185.10	68.04
001-13-510.40.00	TRAVEL & MEETINGS	2,100.00	2,100.00	0.00	1,957.24	6.80
001-13-510.41.15	IPS COMMUNICATION FEE	660.00	660.00	0.00	(697.61)	205.70
001-13-510.47.00	PRINTING	180.00	180.00	0.00	49.02	72.77
001-13-510.54.00	DUES & SUBSCRIPTIONS	60.00	60.00	0.00	60.00	0.00
001-13-510.54.10	TRAINING & SCHOOLS	800.00	800.00	0.00	345.00	56.88
001-13-764.10.00	Filing Fee Clerk-Parking Ticke	150.00	150.00	0.00	150.00	0.00
		123,003.00	123,003.00	0.00	27,209.14	77.88

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
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Department: 14 LEGAL COUNSEL

001-14-510.31.00	PROFESSIONAL SERVICES	96,000.00	96,000.00	0.00	39,124.20	59.25
001-14-510.31.01	CODE ENFORCEMENT ATTORNEY	2,250.00	2,250.00	0.00	(1,326.49)	158.96
		98,250.00	98,250.00	0.00	37,797.71	61.53

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
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Department: 15 COMPREHENSIVE PLANNING

001-15-510.31.00	PROFESSIONAL SERVICES	20,000.00	20,000.00	0.00	12,250.00	38.75
		20,000.00	20,000.00	0.00	12,250.00	38.75

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
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Department: 19 GENERAL SERVICES

001-19-500.24.00	WORKERS COMPENSATION	2,520.00	2,520.00	0.00	0.00	100.00
001-19-510.31.00	PROFESSIONAL SERVICES	4,020.00	4,020.00	0.00	1,540.00	61.69
001-19-510.31.11	SECURITY	2,300.00	2,300.00	0.00	2,300.00	0.00
001-19-510.34.10	JANITORIAL SERVICES	15,108.00	15,108.00	0.00	3,777.00	75.00
001-19-510.35.00	PRE-EMPLOYMENT EXP	135.00	135.00	0.00	(231.99)	271.84
001-19-510.41.00	TELEPHONE	10,992.00	10,992.00	0.00	3,033.82	72.40
001-19-510.41.10	COMMUNICATION SERVICES	43,608.00	43,608.00	0.00	10,515.89	75.89
001-19-510.43.00	STREET LIGHTS	46,000.00	46,000.00	0.00	14,981.00	67.43
001-19-510.43.10	ELECTRICITY	28,704.00	28,704.00	0.00	10,864.97	62.15
001-19-510.43.20	WATER & SEWER	1,560.00	1,560.00	0.00	(1,125.00)	172.12
001-19-510.43.50	WASTE TAX SERVICE	2,807.00	2,807.00	0.00	621.25	77.87
001-19-510.45.00	GENERAL LIABILITY INSURANCE	68,412.00	68,412.00	0.00	13,707.00	79.96
001-19-510.45.01	FLOOD INSURANCE	3,751.00	3,751.00	0.00	3,751.00	0.00
001-19-510.45.02	PROPERTY INSURANCE	50,920.00	50,920.00	0.00	6,694.75	86.85
001-19-510.45.03	AUTO INSURANCE	7,788.00	7,788.00	0.00	2,143.50	72.48
001-19-510.46.10	OFFICE EQUIPMENT MAINTENANCE	4,232.00	4,232.00	0.00	1,640.65	61.23
001-19-510.46.15	EQUIPMENT MAINTENANCE	14,500.00	14,500.00	0.00	(2,305.50)	115.90
001-19-510.46.36	PEST CONTROL	3,000.00	3,000.00	0.00	1,115.36	62.82
001-19-510.46.41	MOWING CONTRACT	22,410.00	22,410.00	0.00	5,624.00	74.90
001-19-510.47.00	PRINTING	600.00	600.00	0.00	118.37	80.27
001-19-510.49.48	ENV. BOARDS EXPENSE	3,420.00	3,420.00	0.00	(49.81)	101.46
001-19-510.49.98	CONTINGENCY	30,000.00	9,756.97	0.00	9,756.97	0.00

001-19-510.49.99	MISCELLANEOUS	300.00	300.00	0.00	(74.65)	124.88
001-19-510.51.00	OFFICE SUPPLIES	9,000.00	9,000.00	0.00	587.17	93.48
001-19-510.51.10	POSTAGE	1,200.00	1,200.00	0.00	295.13	75.41
001-19-510.52.10	JANITORIAL SUPPLIES	3,000.00	3,000.00	0.00	620.99	79.30
001-19-510.54.00	DUES & SUBSCRIPTIONS	320.00	320.00	0.00	(2.03)	100.63
001-19-510.64.01	CAPITAL OUTLAY	174,261.00	181,066.83	0.00	105,618.50	41.67
001-19-543.00.00	LICENSES & FEES	17,521.00	17,521.00	0.00	8,677.96	50.47
		572,389.00	558,951.80	0.00	204,196.30	63.47

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 21 LAW ENFORCEMENT						
001-21-500.12.00	REGULAR SALARIES	570,664.00	632,664.00	0.00	228,735.86	63.85
001-21-500.12.50	HOLIDAY PAY	19,000.00	19,000.00	0.00	(981.04)	105.16
001-21-500.14.00	SALARIES OVERTIME	30,300.00	30,300.00	0.00	21,153.70	30.19
001-21-500.14.16	HURRICANE PAY	17,950.00	17,950.00	0.00	17,950.00	0.00
001-21-500.15.00	EDUCATION INCENTIVE PAY	6,600.00	6,600.00	0.00	1,338.57	79.72
001-21-500.15.01	FIRST RESPONDER	7,920.00	7,920.00	0.00	3,488.57	55.95
001-21-500.21.00	FICA TAXES - EMPLOYER PORTION	50,856.00	50,856.00	0.00	18,125.14	64.36
001-21-500.22.02	POLICE PENSION	232,807.00	232,807.00	0.00	125,807.00	45.96
001-21-500.22.20	RETIREMENT TOWN EMPLOYEES	3,813.00	3,813.00	0.00	1,491.84	60.87
001-21-500.23.01	HEALTH INSURANCE	83,152.00	83,152.00	0.00	4,647.95	94.41
001-21-500.23.02	LIFE INSURANCE	2,500.00	2,500.00	0.00	623.42	75.06
001-21-500.23.10	STATUTORY AD&D	1,000.00	1,000.00	0.00	0.00	100.00
001-21-500.24.00	WORKERS COMPENSATION	14,438.00	14,438.00	0.00	1,827.00	87.35
001-21-500.25.00	UNEMPLOYMENT COMPENSATION	2,127.00	2,127.00	0.00	1,447.17	31.96
001-21-520.31.00	PROFESSIONAL SERVICES	725.00	725.00	0.00	375.00	48.28
001-21-520.34.40	DISPATCHING SERVICES	17,785.00	17,785.00	0.00	0.00	100.00
001-21-520.40.00	TRAVEL & MEETINGS	2,240.00	2,240.00	0.00	1,268.91	43.35
001-21-520.41.10	COMMUNICATION SERVICES	4,488.00	4,488.00	0.00	2,949.16	34.29
001-21-520.46.10	OFFICE EQUIPMENT MAINTENANCE	5,500.00	5,500.00	0.00	4,684.16	14.83
001-21-520.46.15	EQUIPMENT MAINTENANCE	2,000.00	2,000.00	0.00	1,690.09	15.50
001-21-520.46.16	RADAR CALIBRATION	700.00	700.00	0.00	375.00	46.43
001-21-520.46.20	VEHICLE MAINTENANCE	12,000.00	12,000.00	0.00	646.91	94.61
001-21-520.48.00	PROMOTIONAL ACTIVITIES	1,200.00	1,200.00	0.00	(532.07)	144.34

001-21-520.48.50	CRIME PREVENTION	1,100.00	1,100.00	0.00	341.89	68.92
001-21-520.49.99	MISCELLANEOUS	100.00	100.00	0.00	(146.99)	246.99
001-21-520.51.10	POSTAGE	350.00	350.00	0.00	317.00	9.43
001-21-520.52.00	UNIFORMS	6,600.00	6,600.00	0.00	3,315.98	49.76
001-21-520.52.05	PROTECTIVE GEAR	8,328.00	8,328.00	0.00	6,994.50	16.01
001-21-520.52.50	GAS & OIL	13,000.00	13,000.00	0.00	1,513.44	88.36
001-21-520.52.70	MEDICAL	600.00	600.00	0.00	(781.29)	230.22
001-21-520.52.90	OPERATING SUPPLIES	3,720.00	3,720.00	0.00	2,411.31	35.18
001-21-520.54.00	DUES & SUBSCRIPTIONS	1,955.00	1,955.00	0.00	1,212.17	38.00
001-21-520.54.10	TRAINING & SCHOOLS	5,400.00	5,400.00	0.00	2,444.00	54.74
001-21-520.64.01	Capital Outlay	58,795.00	58,795.00	0.00	24,580.92	58.19
001-21-543.00.00	LICENSES & FEES	14,738.00	14,738.00	0.00	6,529.83	55.69
		1,204,451.00	1,266,451.00	0.00	485,845.10	61.64

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 22 FIRE CONTROL						
001-22-500.12.00	REGULAR SALARIES	85,610.00	85,610.00	0.00	46,172.88	46.07
001-22-500.14.50	STIPEND PAYROLL	55,040.00	55,040.00	0.00	15,529.83	71.78
001-22-500.21.00	FICA TAXES - EMPLOYER PORTION	7,643.00	7,643.00	0.00	970.45	87.30
001-22-500.22.01	RETIREMENT - ICMA	6,562.00	6,562.00	0.00	2,223.36	66.12
001-22-500.23.01	HEALTH INSURANCE	4,968.00	4,968.00	0.00	414.99	91.65
001-22-500.23.02	LIFE INSURANCE	162.00	162.00	0.00	111.33	31.28
001-22-500.23.10	STATUTORY AD&D	180.00	180.00	0.00	51.00	71.67
001-22-500.24.00	WORKERS COMPENSATION	7,920.00	7,920.00	0.00	354.50	95.52
001-22-500.25.00	UNEMPLOYMENT COMPENSATION	194.00	194.00	0.00	110.25	43.17
001-22-520.31.00	PROFESSIONAL SERVICES	5,000.00	5,000.00	0.00	4,300.00	14.00
001-22-520.34.40	DISPATCHING SERVICES	5,200.00	5,200.00	0.00	2,600.00	50.00
001-22-520.35.00	PRE-EMPLOYMENT EXPENSE	1,225.00	1,225.00	0.00	861.00	29.71
001-22-520.40.00	TRAVEL & MEETINGS	500.00	500.00	0.00	192.08	61.58
001-22-520.41.10	COMMUNICATION SERVICES	1,260.00	1,260.00	0.00	108.19	91.41
001-22-520.46.15	EQUIPMENT MAINTENANCE	8,665.00	8,665.00	0.00	2,375.03	72.59
001-22-520.46.20	VEHICLE MAINTENANCE	22,950.00	40,950.00	1,705.03	9,375.97	72.94
001-22-520.46.30	BUILDING MAINTENANCE	1,000.00	1,000.00	0.00	49.28	95.07
001-22-520.48.55	FIRE PREVENTION	4,536.00	4,536.00	0.00	546.21	87.96

001-22-520.51.00	OFFICE SUPPLIES	400.00	400.00	0.00	(84.96)	121.24
001-22-520.52.00	UNIFORMS	6,225.00	7,075.00	0.00	3,657.59	48.30
001-22-520.52.02	S.C.B.A.	1,850.00	1,850.00	0.00	(308.97)	116.70
001-22-520.52.05	PROTECTIVE GEAR	2,505.00	2,505.00	1,888.22	(37.12)	26.10
001-22-520.52.10	JANITORIAL SUPPLIES	1,000.00	1,000.00	0.00	810.03	19.00
001-22-520.52.20	TOOLS & HARDWARE	1,500.00	1,500.00	0.00	1,355.64	9.62
001-22-520.52.50	GAS & OIL	2,450.00	2,450.00	0.00	(715.58)	129.21
001-22-520.52.70	MEDICAL	1,370.00	1,370.00	0.00	906.00	33.87
001-22-520.54.00	DUES & SUBSCRIPTIONS	265.00	265.00	0.00	(270.00)	201.89
001-22-520.54.10	TRAINING & SCHOOLS	6,650.00	6,650.00	0.00	1,702.00	74.41
001-22-520.54.12	TRAINING MATERIALS	1,920.00	1,920.00	0.00	935.86	51.26
001-22-520.55.10	SHARED TRAINING	0.00	0.00	0.00	(390.00)	100.00
001-22-520.64.01	Capital Outlay	36,777.00	66,777.00	0.00	45,752.01	31.49
001-22-520.71.00	PRINCIPAL RETIRED	29,734.00	29,734.00	0.00	(1,590.47)	105.35
001-22-520.72.00	INTEREST EXPENSE	3,267.00	3,267.00	0.00	1,591.15	51.30
001-22-543.00.00	LICENSES & FEES	11,537.00	11,537.00	0.00	5,904.16	48.82
		326,065.00	374,915.00	3,593.25	145,563.69	60.22

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 29 CODE ENFORCEMENT						
001-29-500.12.00	REGULAR SALARIES	14,054.00	14,054.00	0.00	4,463.27	68.24
001-29-500.21.00	FICA TAXES - EMPLOYER PORTION	1,075.00	1,075.00	0.00	346.23	67.79
001-29-500.22.20	RETIREMENT TOWN EMPLOYEES	1,521.00	1,521.00	0.00	591.45	61.11
001-29-500.23.10	STATUTORY AD&D	100.00	100.00	0.00	100.00	0.00
001-29-500.24.00	WORKERS COMPENSATION	200.00	200.00	0.00	200.00	0.00
001-29-500.25.00	UNEMPLOYMENT COMPENSATION	45.00	45.00	0.00	31.07	30.96
001-29-520.40.00	TRAVEL & MEETINGS	35.00	35.00	0.00	35.00	0.00
001-29-520.45.03	AUTO INSURANCE	124.00	124.00	0.00	124.00	0.00
001-29-520.46.12	MAINTENANCE SUPPLIES	50.00	50.00	0.00	50.00	0.00
001-29-520.46.20	VEHICLE MAINTENANCE	150.00	150.00	0.00	150.00	0.00
001-29-520.51.00	OFFICE SUPPLIES	50.00	50.00	0.00	(169.49)	438.98
001-29-520.51.10	POSTAGE	350.00	350.00	0.00	248.47	29.01
001-29-520.51.20	RECORDING COSTS	120.00	120.00	0.00	120.00	0.00
001-29-520.52.00	UNIFORMS	75.00	75.00	0.00	(233.49)	411.32

001-29-520.52.50	GAS & OIL	150.00	150.00	0.00	150.00	0.00
001-29-520.54.10	TRAINING & SCHOOLS	75.00	75.00	0.00	75.00	0.00
		18,174.00	18,174.00	0.00	6,281.51	65.44

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 41 PUBLIC WORKS						
001-41-500.12.00	REGULAR SALARIES	191,283.00	191,283.00	0.00	65,096.54	65.97
001-41-500.14.00	SALARIES OVERTIME	4,000.00	4,000.00	0.00	3,188.47	20.29
001-41-500.21.00	FICA TAXES - EMPLOYER PORTION	14,633.00	14,633.00	0.00	4,705.53	67.84
001-41-500.22.20	RETIREMENT TOWN EMPLOYEES	20,697.00	20,697.00	0.00	7,508.13	63.72
001-41-500.23.01	HEALTH INSURANCE	21,840.00	21,840.00	0.00	5,667.42	74.05
001-41-500.23.02	LIFE INSURANCE	236.00	236.00	0.00	22.10	90.64
001-41-500.23.10	STATUTORY AD&D	200.00	200.00	0.00	200.00	0.00
001-41-500.24.00	WORKERS COMPENSATION	2,750.00	2,750.00	0.00	2,750.00	0.00
001-41-500.25.00	UNEMPLOYMENT COMPENSATION	612.00	612.00	0.00	405.97	33.67
001-41-530.31.00	PROFESSIONAL SERVICES	25,000.00	25,000.00	0.00	25,000.00	0.00
001-41-530.34.91	LANDSCAPING	6,500.00	6,500.00	0.00	1,568.09	75.88
001-41-530.40.00	TRAVEL & MEETINGS	200.00	200.00	0.00	152.38	23.81
001-41-530.43.10	ELECTRICITY	0.00	5,000.00	0.00	2,385.44	52.29
001-41-530.43.15	ELECTRIC - WILLIAMS BUILDING	5,000.00	0.00	0.00	0.00	0.00
001-41-530.43.50	DUMP SERVICE	2,000.00	2,000.00	0.00	2,000.00	0.00
001-41-530.46.12	MAINTENANCE SUPPLIES	3,000.00	3,000.00	0.00	(1,121.59)	137.39
001-41-530.46.15	EQUIPMENT MAINTENANCE	2,500.00	2,500.00	0.00	(148.54)	105.94
001-41-530.46.20	VEHICLE MAINTENANCE	9,500.00	9,500.00	0.00	3,909.54	58.85
001-41-530.46.30	BUILDING MAINTENANCE	6,500.00	6,500.00	3,600.00	(10,404.84)	204.69
001-41-530.46.31	MAINTENANCE OLD TOWN HALL	500.00	500.00	0.00	94.17	81.17
001-41-530.46.32	RYCKMAN HOUSE	0.00	500.00	0.00	0.00	100.00
001-41-530.46.34	MAINTENANCE RYCKMAN PARK	500.00	500.00	0.00	500.00	0.00
001-41-530.46.35	PIER MAINTENANCE	500.00	500.00	0.00	(75.01)	115.00
001-41-530.46.40	GROUPS MAINTENANCE	7,000.00	7,000.00	0.00	(7,177.37)	202.53
001-41-530.46.43	TREE EXPENSE	3,500.00	3,500.00	0.00	2,275.00	35.00
001-41-530.52.00	UNIFORMS	2,100.00	2,100.00	0.00	1,435.76	31.63
001-41-530.52.05	PROTECTIVE GEAR	1,000.00	1,000.00	0.00	220.85	77.92
001-41-530.52.20	TOOLS & HARDWARE	4,000.00	4,000.00	0.00	832.55	79.19

001-41-530.52.25	TOOL RENTALS	3,500.00	3,500.00	0.00	1,332.29	61.93
001-41-530.52.50	GAS & OIL	3,600.00	3,600.00	0.00	1,002.08	72.16
001-41-530.53.10	STREET REPAIR	7,500.00	7,500.00	0.00	935.87	87.52
001-41-530.53.15	PARKING LOT MAINTENANCE	2,500.00	2,500.00	0.00	2,500.00	0.00
001-41-530.53.20	STREET SIGNS	10,000.00	10,000.00	0.00	4,379.52	56.20
001-41-530.54.10	TRAINING & SCHOOLS	1,500.00	1,500.00	0.00	1,062.00	29.20
001-41-530.57.25	WELDING	500.00	500.00	0.00	268.55	46.29
001-41-530.64.01	CAPITAL OUTLAY	46,000.00	46,000.00	0.00	8,340.35	81.87
		410,651.00	411,151.00	3,600.00	130,811.25	67.31

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 72 PARKS & RECREATION						
001-72-570.48.10	FOUNDER'S DAY	6,000.00	6,000.00	0.00	(680.68)	111.34
001-72-570.48.50	MOVIES IN THE PARK	1,800.00	1,800.00	0.00	837.06	53.50
001-72-570.48.52	FOURTH OF JULY	1,000.00	1,000.00	0.00	500.00	50.00
001-72-570.48.53	CHRISTMAS DECORATIONS PARK	1,500.00	1,733.00	0.00	(750.84)	143.33
001-72-570.48.60	EASTER EGG HUNT	50.00	50.00	0.00	(221.78)	543.56
001-72-570.48.90	RECREATION PROGRAMS	13,000.00	13,000.00	0.00	9,259.62	28.77
001-72-570.63.01	TENNIS COURT EXPEDITURES	350.00	350.00	0.00	364.00	(4.00)
001-72-570.63.02	BBALL & VBALL COURTS	200.00	200.00	0.00	200.00	0.00
001-72-570.63.05	BOCCE COURT EXPENDITURES	200.00	200.00	0.00	200.00	0.00
001-72-570.64.01	CAPITAL OUTLAY	0.00	13,437.20	0.00	0.00	100.00
		24,100.00	37,770.20	0.00	9,707.38	74.30

Fund: 125 BUILDING DEPT

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 24 PROTECTIVE INSPECTIONS						
125-24-500.12.00	REGULAR SALARIES	75,116.00	77,369.00	0.00	30,663.63	60.37
125-24-500.14.00	SALARIES OVERTIME	817.52	817.52	0.00	716.17	12.40
125-24-500.21.00	FICA TAXES - EMPLOYER PORTION	5,746.00	5,801.04	0.00	2,486.07	57.14
125-24-500.22.20	RETIREMENT TOWN EMPLOYEES	7,512.00	7,512.00	0.00	2,663.88	64.54
125-24-500.23.01	HEALTH INSURANCE	18,144.00	18,400.44	0.00	1,687.39	90.83
125-24-500.23.02	LIFE INSURANCE	136.00	136.00	0.00	20.59	84.86

125-24-500.25.00	UNEMPLOYMENT COMPENSATION	240.00	240.00	0.00	166.85	30.48
125-24-520.31.00	PROFESSIONAL SERVICES	55,703.54	112,320.00	0.00	51,989.60	53.71
125-24-520.51.00	OFFICE SUPPLIES	266.00	400.00	0.00	(3,396.00)	949.00
125-24-520.51.10	POSTAGE	0.00	30.00	0.00	30.00	0.00
125-24-520.52.00	UNIFORMS	0.00	100.00	0.00	(12.97)	112.97
125-24-520.52.20	TOOLS & HARDWARE	46.91	100.00	0.00	100.00	0.00
125-24-520.54.00	DUES & SUBSCRIPTIONS	95.00	0.00	0.00	0.00	0.00
125-24-520.54.10	TRAINING & SCHOOLS	80.00	0.00	0.00	0.00	0.00
		163,902.97	223,226.00	0.00	87,115.21	60.97

Fund: 172 OCEAN PARK PARKING FUND

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 75 TOWN PARKS						
172-75-575.31.02	LIFEGUARD CONTRACT	19,950.00	19,950.00	0.00	12,043.66	39.63
172-75-575.32.90	BANKING FEES	2,000.00	2,000.00	0.00	(794.86)	139.74
172-75-575.34.10	JANITORIAL CLEANING	1,800.00	1,800.00	0.00	450.00	75.00
172-75-575.34.91	LANDSCAPING	5,000.00	5,000.00	0.00	4,715.11	5.70
172-75-575.41.10	IPS COMMUNICATIONS FEE	1,200.00	1,200.00	0.00	(889.30)	174.11
172-75-575.43.10	ELECTRICITY	1,584.00	1,584.00	0.00	173.67	89.04
172-75-575.43.20	WATER & SEWER	1,500.00	1,500.00	0.00	473.11	68.46
172-75-575.43.50	DUMP SERVICE	660.00	660.00	0.00	660.00	0.00
172-75-575.46.12	MAINTENANCE SUPPLIES	1,000.00	1,000.00	0.00	(87.73)	108.77
172-75-575.46.15	EQUIPMENT MAINTENANCE	0.00	0.00	0.00	(877.00)	100.00
172-75-575.46.30	BUILDING MAINTENANCE	2,200.00	2,200.00	0.00	2,200.00	0.00
172-75-575.46.31	BUILDING MAINT RESTROOMS	0.00	0.00	0.00	(103.78)	100.00
172-75-575.46.40	GROUPS MAINTENANCE	1,800.00	1,800.00	0.00	(3,236.35)	279.80
172-75-575.46.41	MOWING CONTRACT	11,205.00	11,205.00	0.00	8,379.31	25.22
172-75-575.46.43	TREE EXPENSE	1,000.00	1,000.00	0.00	1,000.00	0.00
172-75-575.52.10	JANITORIAL SUPPLIES	350.00	350.00	0.00	344.70	1.51
172-75-575.52.25	TOOL RENTAL	0.00	0.00	0.00	(2,725.81)	100.00
172-75-575.53.15	PARKING LOT REPAIRS	3,000.00	3,000.00	0.00	2,488.26	17.06

172-75-575.53.20	SIGNS	300.00	300.00	0.00	(4.89)	101.63
172-75-575.63.03	VOLLEYBALL COURT	1,000.00	1,000.00	0.00	1,000.00	0.00
172-75-575.64.01	CAPITAL OUTLAY	0.00	0.00	0.00	(8,738.92)	100.00
172-75-764.10.00	Filing Fee Clerk-Parking Ticke	120.00	120.00	0.00	120.00	0.00
		55,669.00	55,669.00	0.00	16,589.18	70.20

Report Totals:

TOTAL EXPENDITURES - ALL FUNDS 3,329,475.97 3,500,382.00 7,193.25 1,153,881.98

REVENUE AND EXPENDITURE FOR TOWN OF MELBOURNE BEACH

Balance As Of 05/31/2022

Fund: 001 GENERAL FUND

Account Category: Revenues

	Description	ORIGINAL BUDGET	Available	% Bdgt
001-00-311.00.00	AD VALOREM TAXES	2,188,884.00	41,421.29	98.11
001-00-312.41.00	LOCAL OPTION COUNTY GAS TAX	66,200.00	4,497.05	93.21
001-00-314.10.00	UTILITY SERVICES TAX FPL	269,000.00	123,780.24	53.99
001-00-314.30.00	UTILITY SERVICES TAX WATER	58,000.00	22,776.83	60.73
001-00-314.40.00	UTILITY SERVICES TAX GAS	0.00	(61.22)	100.00
001-00-314.40.10	UTILTIY GAS TAX AMERIGAS	8,000.00	2,589.05	67.64
001-00-314.40.20	UTILITY GAS TAX SUBURBAN	1,100.00	458.83	58.29
001-00-314.40.30	UTILTIY GAS TAX FERRELL	2,100.00	(59.74)	102.84
001-00-314.40.40	UTILITY GAS TAX SAM'S GAS	0.00	(105.76)	100.00
001-00-315.00.00	COMMUNICATIONS SERVICE TAX	130,000.00	61,400.08	52.77
001-00-316.00.00	OCCP. LIC	6,300.00	(4,966.98)	178.84
001-00-323.10.00	FRANCHISE FEES FPL	192,000.00	99,839.37	48.00
001-00-323.70.00	FRANCHISE FEES SOLID WASTE	39,000.00	12,126.34	68.91
001-00-323.70.10	SOLID WASTE COMMERCIAL	12,000.00	2,717.77	77.35
001-00-329.14.00	INTEREST AND DIVIDENDS	0.00	(32.30)	100.00
001-00-329.20.00	BONFIRE PERMIT	0.00	(300.00)	100.00
001-00-334.20.10	CARES ACT PD	0.00	(36,681.90)	100.00
001-00-334.40.00	FMIT SAFETY GRANT	5,000.00	2,663.00	46.74
001-00-335.12.00	STATE REVENUE SHARING PROCEEDS	55,000.00	(3,234.04)	105.88
001-00-335.15.00	ALCOHOLIC BEVERAGE LICENSES	4,100.00	126.80	96.91
001-00-335.18.00	HALF CENT SALES TAX LOCAL GOV	184,000.00	71,417.64	61.19
001-00-342.20.00	SAFETY INSPECT FEE VAC RENTAL	850.00	255.00	70.00
001-00-342.20.10	SAFETY RENEWAL-VAC RENTALS	850.00	800.00	5.88
001-00-345.10.00	VAC RENTAL APP FEE-INITIAL	5,000.00	1,075.00	78.50
001-00-345.10.10	VAC RENEWAL FEE - RENTALS	5,000.00	3,100.00	38.00
001-00-361.10.00	INTEREST ON INVESTMENTS	1,275.00	(491.73)	138.57
001-00-366.21.00	DONATIONS	100.00	100.00	0.00
001-00-369.00.00	MISCELLANEOUS REVENUE	500.00	(1,363.22)	372.64
001-00-369.00.49	INSURANCE RECOVERY	0.00	(317.64)	100.00
		3,234,259.00	403,529.76	87.52

Department: 13 FINANCE

001-13-369.00.00	MISCELLANEOUS REVENUE	0.00	(35.00)	100.00
		0.00	(35.00)	100.00

Department: 21 LAW ENFORCEMENT

001-21-312.52.00	INSURANCE PREMIUM TAX	40,536.00	40,536.00	0.00
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001-21-337.20.00	SCHOOL RESOURCE OFFICER	57,000.00	10,500.00	81.58
001-21-337.25.01	STATE LE COMPUTER GRANT	1,000.00	1,000.00	0.00
001-21-347.90.01	SPECIAL EVENTS	1,500.00	1,500.00	0.00
001-21-351.00.00	FINES - LAW ENFORCEMENT	8,000.00	2,656.28	66.80
001-21-351.13.00	PARKING TICKETS	8,000.00	7,300.00	8.75
001-21-351.13.10	ACCIDENT REPORT	100.00	(0.50)	100.50
001-21-369.00.00	MISCELLANEOUS REVENUE	0.00	(52.00)	100.00
		116,136.00	63,439.78	45.37

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 22 FIRE CONTROL

001-22-322.30.00	FIRE PROTECTIVE SERVICES	4,500.00	1,500.00	66.67
001-22-369.00.00	MISCELLANEOUS REVENUE	0.00	(600.00)	100.00
001-22-369.55.10	SHARED TRAINING	0.00	(1,608.00)	100.00
		4,500.00	(708.00)	115.73

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 29 CODE ENFORCEMENT

001-29-359.00.00	OTHER FINES AND FORFEITURES	1,000.00	675.00	32.50
		1,000.00	675.00	32.50

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 41 PUBLIC WORKS

001-41-369.00.00	MISCELLANEOUS REVENUE	0.00	(500.00)	100.00
		0.00	(500.00)	100.00

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 72 PARKS & RECREATION

001-72-347.41.00	FOUNDER'S DAY	8,000.00	1,830.00	77.13
001-72-347.50.00	FACILITY RENTALS	13,000.00	13,000.00	0.00
001-72-366.47.03	COMMUNITY CENTER DONATIONS	0.00	(150.00)	100.00
		21,000.00	14,680.00	30.10

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 75 TOWN PARKS

001-75-342.10.00	PARKING TICKET REVENUE	3,000.00	(3,500.00)	216.67
001-75-344.50.00	PARKING METER REVENUE	37,008.00	(18,082.27)	148.86
001-75-344.50.10	PARK PASS REVENUE	0.00	(1,950.00)	100.00
001-75-347.50.00	FACILITY RENTALS	0.00	(4,004.80)	100.00
		40,008.00	(27,537.07)	168.83

Revenues		3,416,903.00	453,544.47	86.73
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Fund: 125 BUILDING DEPT

Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 24 PROTECTIVE INSPECTION

125-24-322.00.00	BUILDING PERMITS	152,000.00	54,261.78	64.30
125-24-322.10.00	ZONING PLAN REVIEW	2,000.00	1,775.00	11.25
125-24-322.10.10	SITE PLAN REVIEW P&Z	1,500.00	(5,600.00)	473.33
125-24-322.20.00	BUILDING PLAN REVIEW	4,600.00	(2,298.71)	149.97
125-24-322.31.00	ADVERTISING COSTS	250.00	250.00	0.00
125-24-322.31.20	P&Z ADVERTISING	100.00	100.00	0.00
125-24-329.00.00	OTHER LICENSES, FEES & PERMITS	700.00	(1,285.00)	283.57
125-24-329.00.10	BOA VARIANCE FEES	1,000.00	1,000.00	0.00
125-24-354.00.00	LOCAL ORDINANCE VIOLATION	2,000.00	(1,725.22)	186.26
		164,150.00	46,477.85	71.69

Fund: 172 OCEAN PARK PARKING FUND	Description	ORIGINAL BUDGET	Available	% Bdgt
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Department: 75 TOWN PARKS

172-75-342.10.00	PARKING TICKET REVENUE	3,000.00	(7,185.00)	339.50
172-75-344.50.00	PARKING METER REVENUE	74,400.00	15,338.89	79.38
		77,400.00	8,153.89	89.47

Report Totals:

TOTAL REVENUES - ALL FUNDS	3,658,453.00	508,176.21
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MAY 2022 ACTION ITEMS

ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Cocoa Beach Ordinance related to Drown Zero Stations	5/18/2022	6/15/2022		Mayor Hoover	Town Manager
DATE	DIRECTION/NOTES				
5/18/2022	Added to Action Items				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Research grant funding opportunities for stormwater projects	3/15/2022	8/17/2022		Commissioner Runte	Town Manager
DATE	DIRECTION/NOTES				
5/18/2022	Town Manager spoke with Scott from B.S.E, and she found two grants that just opened up. Mayor Hoover recommended reaching out to IRL to get feedback from their team of grant writers.				
3/15/2022	Added to Action Items				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Research permanent tree lighting (up lighting) along Ocean Ave, nicer street signs & new trash cans	2/16/2022	6/15/2022		Commissioner Walker	Town Manager/Public Works
DATE	DIRECTION/NOTES				
5/18/2022	PW Director will buy two different types of lights to try them out.				
4/20/2022	PW Supervisor investigating up lighting on Ocean Ave in front of Ryckman Park sidewalk. Has decorative street poles for Commission to review for purchase.				
2/16/2022	Added to Action Items - Update in March				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTER	ASSIGNED TO

MAY 2022 ACTION ITEMS

Evaluate audio equipment in the Community Center	1/17/2022	6/15/2022		Mayor Hoover	Town Clerk
Date	Directions/Notes				
5/18/2022	Mayor requested fewer cords, possibly a television, and microphones for each seat				
2/16/2022	Estimate for audio replacement discussed. The Commission would like to get an estimate on two large-screen TV monitors. Research what company IHB uses. Contact RB Communications.				
1/17/2022	Action Item Created				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTER	ASSIGNED TO
S.E.A. PROJECT	2/17/2021	6/15/2022		Mayor Hoover	Town Manager
Date	Directions/Notes				
5/18/2022	Town Manager – additional parking spots are done, planting in Bicentennial Park was done, new poles along Ocean Ave are in the works. The next big-ticket item is underground retention for stormwater Mayor Hoover – FDOT will be doing their portion of A1A fiscal year 2026. Schedule a public workshop in July.				
04/20/2022	Town will have a tent during Founders Day to discuss the S.E.A. Vision and get feedback from the residents. Waiting on estimates for new Town signs from Fast Signs. Flowers planted at the very north end of Bi-Centennial. Flowers also planted around Ryckman House. Established 4 more spaces for golf cart parking.				
2/16/2022	Town Manager Mascaro has met with the resident volunteer and they are currently working on the plan – she will provide another update again in March. Mayor Hoover suggested researching FDOT funding for Bicentennial Park and making it an entrance to the Town with a more impressive sign.				
1/17/2022	Vision statement was approved. An update will be given at February RTCM.				
12/15/2021	Update at January RTCM with Dix Height information.				
10/20/2021	Discussed during meeting in depth. Update at Nov. RTCM				
9/15/21	Currently working on RFP for gardening services and will present it at next RTCM as an agenda item. TM has not been able to make contact with Susan Hall				
8/18/2021	Added landscaping of Parks to Action item – and discussed RFP for landscaping services				

MAY 2022 ACTION ITEMS

7/21/2021	Check in with Susan (include VM Barton) and update at August RTCM				
6/16/2021	Commission will no longer pursue FDOT grant but will continue research of other funding and grants.				
4/21/2021	Commission approved increasing payment. Grant will be awarded in June. Update July RTCM				
3/17/2021	VM Barton researched FDOT landscape grant. Commission approved \$5,000 to begin landscape design process with an architectural designer. Discuss at April TCW and April RTCM.				
2/17/2021	Explore grants, etc. Discuss at TCW on March 3, 2021				
12/2/2020	<i>Mayor Hoover suggested they do the necessary research and reach out to landlords and business owners, starting with the area east of the traffic light on both sides of the road north and south – and then meet again to discuss in February. Plan for workshops with business owners and PNZ involvement.</i>				
12/16/2020	<i>Commissioner Walters requested the Town research a better microphone system, including the option of wireless microphones. He feels the sound quality of the current microphones is very poor. Dual timers were also requested by the Commission (we have one and need one more).</i>				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Research golf cart/low-speed vehicle certification process and the idea of a beachside “g-pass”	2/16/2022	6/15/2022		Commission	Town Manager
5/18/2022	Ordinance and the Interlocal Agreement next month				
4/14/2022	TM and Chief Griswold set meeting with Indialantic’s TM and Police Chief to discuss Interlocal Agreement. Meeting was rescheduled for May due to time conflict.				
2/16/2022	Added to Action Items - Vice Mayor Joyce Barton will discuss the issue at the SBC meeting and share insight at March RTCM. Town Manager will obtain Indialantic’s written certification process.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO

MAY 2022 ACTION ITEMS

Research the term multi-generational in terms of building code and its use in other municipalities, aka “Granny Suites.”	1/17/2022	5/18/2022		Commission	Town Manager
DATE	DIRECTION/NOTES				
5/18/2022	Town Manager – Came from PNZ to define kitchen. Our code prohibits two kitchens. Mayor Hoover requested an agenda item next month to review what in our code would prohibit this				
4/20/2022	Provide definition of multi-generational, how County manages Granny Suites and what other towns and cities are doing to accommodate the return of multi-generational living.				
2/16/2022	Town Attorney and Town Manager will discuss “granny suites” and bring their findings to the next RTCM.				
1/17/2022	The Town Commission directed the Town Manager to research the use of the term multi-generational in relation to “granny suites.”				
7/21/2021	Update at August RTCM				
6/16/2021	PWD will ask FDOT if subcontractor (who is restriping cross walks) can also paint stanchions				
5/19/2021	PWD update at June RTCM				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Research Charging Stations	11/20/20	6/15/2022		Simmons	Town Manager/PWD
DATE	DIRECTION/NOTES				
12/15/2021	TM said new charging companies are coming out and installing their own stations with incentives and it may be a good idea to wait and see what they are. Rapid charge is 3-4 times the cost.				

MAY 2022 ACTION ITEMS

10/20/2021	Commissioner Runte reached out to two vendors he works with update Nov. 2021
9/15/2021	TM does not have an update. Commissioner Runte explained the companies are hard to reach or non-responsive- still working on it. Update next month
8/18/2021	Update at September RTCM
7/21/2021	Update at August RTCM
6/16/2021	Follow up on "Electrify" a company that leases charging stations
5/19/2021	Update at June RTCM
4/21/2021	Town Manager was given a list by Commissioner Runte to evaluate and update again at May RTCM.
1/20/2021	Update again at April RTCM
12/16/2020	<i>Town Manager Mascaro said there is a lot to understand about these charging stations that effect cost and what's included. Update again at January 2021 RTCM.</i>
11/18/2020	<i>Commission advised to keep this item open until the stations are installed</i>
10/21/2020	<i>Commission approved cost to replace breaker box and TM to get vendor contacts from Comm. Runte</i>
8/19/2020	<i>PWS said breaker box must be replaced at cost of \$3,000-\$4,000. Commission asked TM to find install/generic cost for Sept RTCM.</i>
7/15/2020	<i>TM shared that the offer from Tesla no longer available, they cost \$500. TM is looking at other options and will come back in August with information. Commission asked TM to look for similar offers and/or grants as Tesla was offering.</i>
6/17/2020	<i>Electricians scheduled Wed. Parking spot for bikes and two for charging stations. Update July RTCM</i>
3/18/2020	<i>Commission suggested TM get with Tesla to see what they may offer - including getting one at no cost. Tobe discussed again at May TCW.</i>
6/3/2020	<i>Commission asked TM to contact Tesla to see what they have to offer. Update June RTCM.</i>

City of Cocoa Beach Commission
Agenda Item Summary (Adopted on January 2014)

1. DEPARTMENT MAKING REQUEST/NAME: James P. McKnight, City Manager	2. MEETING DATE: February 6, 2020
3. REQUESTED MOTION/ACTION: "I move to authorize Staff to sign the three years Agreement with Cocoa Beach Rotary for the Drown Zero Project."	
4. AGENDA STAFF PRESENTATION <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> SITE PLAN CONSENT <input type="checkbox"/> UNFINISHED BUSINESS <input type="checkbox"/> NEW BUSINESS <input type="checkbox"/>	5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: YES <input type="checkbox"/> NO <input type="checkbox"/> IF NO, CITY ACTION REQUIRED <input checked="" type="checkbox"/> N/A DETAILED ANALYSIS ATTACHED?: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

Cocoa Beach Rotary Foundation Inc., the Permittee, desires to conduct a public service project, involving the placement of Drown Zero equipment, at specific locations of the City's Ocean Beach. The Permittee accepts any and all responsibility and liability related with such project. The City and Cocoa Beach Rotary agree to each supply staff to install the Drown Zero equipment. The City also agrees that the Beach Rangers will monitor Drown Zero equipment for purposes of determining if the equipment is missing, needs repair or is damaged. The City and Cocoa Beach Rotary agree to enter into a three year agreement with two (2), one (1) year extensions.

Attachment: Rotary License Agreement

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

THIS LICENSE AGREEMENT is made upon the signing of the Parties by and between the City of Cocoa Beach, Florida, hereinafter referred to as the City, and the Cocoa Beach Rotary Foundation, Inc., a Florida non-profit corporation, hereinafter referred to as "Permittee". The City and the Permittee are collectively referred to herein as "Parties".

WHEREAS, Permittee desires to conduct a public service project involving the placement of Drown Zero equipment at specific locations on the City's Ocean Beach; and

WHEREAS, Permittee has requested that the City allow Permittee to place such Drown Zero equipment at specific location on the City's Ocean Beach; and

WHEREAS, Permittee understands and agrees that the Drown Zero Project is a project of the Permittee, and not a project of the City, and that the Permittee accepts any all responsibility and liability related to such project, including, but not limited to personal injury, death, property damages, and any and all financial matters relating in any way to the project; and

WHEREAS, the Permittee has agreed that the Permittee's rescue stations, installed in accordance with this License Agreement, will meet or exceed the standards and conditions as more specifically set forth in Exhibit A of this License Agreement; and

WHEREAS, the Permittee and the City agree that the City and the Permittee will each supply people to perform the installation of the Drown Zero Equipment; and

WHEREAS, the City agrees that Beach Rangers will make an effort to monitor the Drown Zero equipment during the term of this Agreement for purposes of determining if any equipment is missing, needs repair, or is damaged; and

WHEREAS, Permittee shall provide an IRS determination letter to the City demonstrating non-profit/not for profit status prior to execution of this License Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City and Permittee agree as follows:

ARTICLE 1- REPRESENTATIONS

The representations set forth hereinabove in the "Whereas" provisions are hereby acknowledged and agreed to by the Parties.

ARTICLE 2 - TERM OF LICENSE AGREEMENT

The term for this agreement shall be three (3) years upon agreement of the parties. The License Agreement may be extended for two (2), one (1) year terms with notification thirty (30) days prior to expiration.

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
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An annual evaluation of the program shall be conducted by the City and the Permittee. This evaluation shall be concluded at least ninety (90) days prior to the expiration of the initial term hereof.

If the evaluation is considered to be positive, an extension of this Agreement may be considered by both of the Parties. The City, at its sole discretion, shall determine the definition of "positive evaluation" in the context of renewal and/or extension terms of this License Agreement.

ARTICLE 3 - LICENSE AGREEMENT ADMINISTRATION

Administration of this License Agreement shall be under the general direction of the City Manager or designee, who shall act as the City's representative during the performance of this License Agreement.

ARTICLE 4 - INSURANCE . PERMITS & LICENSES

In the performance of this License Agreement, Permittee agrees to comply with all Federal, State, and Local laws and regulations now in effect, or hereinafter enacted during the term of this License Agreement that are applicable to Permittee, its employees, agents, or subcontractors, with respect to all the matters related in any way to this License Agreement and/or provided relating to the areas licensed to Permittee under this License Agreement.

The Permittee and any and all subcontractors shall maintain in full force and effect during the life of the License Agreement, Worker's Compensation insurance covering all employees in performance of work under the License Agreement. Permittee shall indemnify and save the City harmless for any damage resulting to it for failure of Permittee, or any subcontractors to take out or maintain such insurance.

The following are required types and minimum limits of insurance coverage that the Permittee agrees to maintain during the term of this License Agreement. The policies of insurance by Permittee shall be separate and shall each name the City as an additionally named insured.

COVERAGE MINIMUM LIMITS

General Liability: \$1,000,000 per incident
Auto Liability: \$500,000 per person/incident
Professional Liability: \$1,000,000
Worker's Compensation: Statutory

ARTICLE 5- INDEMNIFICATION

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

For other additional consideration, the receipt and sufficiency of which is hereby acknowledged, the Permittee shall indemnify and hold harmless the City from and against all claims, demands, disputes, damages, costs, expenses (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the anything to do with this License Agreement or the Permittee's project, or any other related matter.

The Permittee further agrees to indemnify, hold harmless and defend the City, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of any conduct or misconduct of the Permittee, not included in the paragraph above and for which the City, its agents, servants or employees are alleged to be liable.

ARTICLE 6- SAFETY

Precautions shall be exercised at all times for the protection of persons (including City employees) and property. The safety provisions of all applicable laws, regulations and codes shall be observed. Hazards arising from the use of vehicles, machinery, and equipment shall be guarded or eliminated with the highest accepted standards of safety. The Permittee, and any subcontractor, shall comply fully with requirements of the Occupational Safety and Health (OSHA) and any other pertinent Federal, State, or Local Statutes, rules or regulations. The Permittee, any subcontractors, shall bear full responsibility for payment of any fines or other punishments resulting from violation of any such statutes, rules or regulations.

ARTICLE 7-SALES TAX

The City is exempt from sales tax. The Permittee, as applicable, and as required by the laws and statutes of the state and its political subdivisions shall pay all state and local sales and use taxes. The Permittee may not use the City's tax exemption in any of its activities.

ARTICLE 8 - INDEPENDENT CONTRACTOR

The Permittee agrees that it is an Independent Contractor with respect to all aspects of this License Agreement, and not an employee, agent or servant of the City. All persons engaged in any of the work or services performed shall at all times, and in all places, be subject to the Permittee's sole discretion, supervision, and control. The Permittee shall exercise control over the means and manner in which it and its employees perform the work; the City's interest is in the results obtained. Nothing in this agreement shall be considered to create the relationship of employer and employee between the parties.

ARTICLE 9 - SUBCONTRACTORS

No part of this License Agreement shall be sublet without the prior express written approval of the City. If the Permittee shall sublet any portion of this License Agreement, the Permittee shall be fully responsible to the City for acts and omissions of a subcontractor and of persons either directly or indirectly employed by the subcontractor, as the Permittee is for its own acts and omissions of persons employed directly or indirectly

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
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by the Permittee. The subcontractor is subject to the same contractual provisions as is the Permittee under this License Agreement, including but not limited to insurance requirements, records maintenance and audit requirements.

ARTICLE 10 - SEVERABILITY

No inspection by the City, nor any action whatsoever by the City shall operate as a waiver of (1) any provision of this License Agreement, (2) the right to have it fully performed, (3) any power herein reserved to the City, or (4) any right to damages under this License Agreement. No waiver of any breach of this License Agreement shall be held to be a waiver of any other breach.

ARTICLE 11 - ENTIRETY OF CONTRACTUAL AGREEMENT

The City and the Permittee agree that this License Agreement sets forth the entire agreement between the parties, and that there are no promises or understandings other than those slated herein.

ARTICLE 12 - AMENDMENTS AND MODIFICATIONS

Except as provided herein, any cardinal change in the terms and conditions set forth in this License Agreement must be mutually agreed to by both the City and the Permittee, and may be implemented only after this agreement has been amended in writing.

ARTICLE 13 - NOTICE

All notices required in this License Agreement shall be sent by certified mail, return receipt requested, and if sent to the City, shall be mailed to:

Original: Loredana Kalaghchy, City Clerk
Copy: James P. McKnight, City Manager
City of Cocoa Beach
P.O. Box 322430
Cocoa Beach, FL 32932-2430

Notices sent to the Permittee shall be mailed to:

Original: Cocoa Beach Rotary Foundation, Inc.
John Alexander
Cocoa Beach Rotary Foundation, Inc
P.O. Box 321344
Cocoa Beach, FL 32932

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

ARTICLE 14 - TERMINATION

This agreement may be terminated by either party, with or without cause with thirty (30) days' notice.

ARTICLE 15 - EXCLUSIVITY

This is not an exclusive License Agreement, The City may, at its sole discretion, contract with other entities for matters similar to that being done by the Permittee.

ARTICLE 16 - REMEDIES

This Agreement shall be governed by and construed according to the laws of the State of Florida, and the rights of the parties hereto shall be construed and be subject to the laws of the State of Florida. The parties hereby waive the right to a trial by jury in any action, proceeding or counterclaim brought or filed by either of them against the other. Venue for any court action arising out of this agreement shall be in Brevard County, Florida.

No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power or remedy hereunder shall preclude any other or further exercise thereof

ARTICLE 17 - ENFORCEMENT COSTS

If any legal action or other proceeding is brought by the City for the enforcement of this License Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this License Agreement, the City shall be entitled to recover reasonable attorney's fees, court costs and all expenses (including taxes) even if not taxable as court costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

ARTICLE 18 - UNAUTHORIZED ALIEN WORKERS:

The City of Cocoa Beach will not intentionally award licenses or agreements to any person or entity who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e)(Section 274A(e) of the Immigration and Nationality Act ("INA"). The CITY shall consider the employment by the Permittee of unauthorized aliens a violation of Section 274A (e) of the INA to be grounds for the immediate unilateral cancellation of this Agreement by the City.

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

ARTICLE 19 - PUBLIC RECORDS COMPLIANCE INDEMNIFICATION:

Permittee agrees to indemnify and hold the City harmless against any and all claims, damage awards, and causes of action arising from the Permittee's failure to comply with the public records disclosure requirements of Section 119.07(1), Florida Statutes, or by Permittee's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Permittee authorizes the City to seek declaratory, injunctive, or other appropriate relief against Permittee in Brevard County Circuit Court on an expedited basis to enforce the requirements of this section.

ARTICLE 20 - COMPLIANCE/CONSISTENCY WITH F.S.768.28:

Any indemnification by City specified in the Agreement shall not be construed as a waiver of City's sovereign immunity, and shall be limited to such indemnification and liability limits consistent with the requirements of Section 768.28, Fla. Stat. and subject to the procedural requirements set forth therein. Any other purported indemnification by City in the Agreement in derogation hereof shall be void and of no force or effect.

ARTICLE 21 - VENUE AND JURISDICTION:

Notwithstanding any of other provision to the contrary, this Agreement and the parties' actions under this Agreement shall be governed by and construed under the laws of the state of Florida, without reference to conflict of law principles. As a material condition of this Agreement, each Party hereby irrevocably and unconditionally: i) consents to submit and does submit to the jurisdiction of the Circuit Court in and for Brevard County, Florida for any actions, suits or proceedings arising out of or relating to this Agreement.

ARTICLE 21 - PUBLIC RECORDS COMPLIANCE:

The Permittee agrees that, to the extent that either of them may "act on behalf" of the City within the meaning of Section 119.071(1)(a), Florida Statutes relating to this Agreement, it shall:

- (a) Keep and maintain public records required by the public agency to perform the service.
- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the License Agreement term and following completion of the Agreement if the Permittee or Drown Zero, LLC does not transfer the records to the public agency.
- (d) Upon completion of the License Agreement, transfer, at no cost, to the public agency all public records in possession of the Permittee of the Permittee can keep and maintain public records required by the public agency to perform the service. If the Permittee or

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

Permittee transfers all public records to the public agency upon completion of the License Agreement, the Permittee shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Permittee keeps and maintains public records upon completion of the License Agreement, the Permittee shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

- (e) Pursuant to Section 119.0701(2)(a), Fla. Stat., if the Permittee, has questions regarding the application of Chapter 119, Florida Statutes, to the contractor's duty to provide public records relating to this contract, contact the Custodian of Public Records at: Cocoa Beach City Hall, First Floor, 2 S. Orlando Ave., P.O. Box 322430, Cocoa Beach, FL 32932-2430. 321-868-3286. Cityclerk@cityofcocoa-beach.com

IN WITNESS WHEREOF, the parties have executed this License Agreement as of the day and year first above written

CITY OF COCOA BEACH

James P. McKnight, City Manager, City of Cocoa Beach

Attest By:

Loredana Kalaghchy, MMC, City Clerk, City of Cocoa Beach

Approved as to form and legality

Gretchen R.H. Becky Vose, City Attorney

Date: _____

COCOA BEACH ROTARY FOUNDATION, INC

John Alexander, Cocoa Beach Rotary Foundation, Inc.,
P.O.Box 321344
Cocoa Beach, FL 32932-000

Date: _____

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

EXHIBIT A

The Permittee Drown Zero Stations shall be located at locations determined by the City of Cocoa Beach, within the incorporated areas of the City of Cocoa Beach.

The location(s) of the stations and the number of stations shall be set as follows:

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

Station 1:Harding Ave
Station 2:Barlow Ave
Station 3:Young Ave
Station 4:Hendry Ave
Station 5:Meade Ave
Station 6:Pulsipher Ave
Station 7:Winslow Ave
Station 8:California Ave
Station 9:Leon Lane
Station 10:Osceola Lane
Station 11:Gadsden Lane
Station 12:Shepard Park N
Station 13:Shepard Park C
Station 14:Shepard Park S
Station 15:Marion Lane
Station 16:Palm Lane
Station 17:Flagler Lane
Station 18:Fischer Park N
Station 19: Fischer Park C
Station 20:Tulip Lane
Station 21:4th Street N
Station 22:3rd Street N
Station 23:2nd Street N
Station 24:1st Street N
Station 25:Minutemen Cswy N
Station 26:Minutemen Cswy S
Station 27:1st Street S
Station 28:2nd Street S
Station 29:3rd Street S
Station 30:4th Street S
Station 31:5th Street S
Station 32:6th Street S
Station 33:7th Street S
Station 34:8th Street S
Station 35:9th Street S
Station 36:10th Street S
Station 37:11th Street S
Station 38:12th Street S
Station 39:13th Street S
Station 40:14th Street S
Station 41:15th Street S
Station 42:Surf Drive

Permitee Stations (Drown Zero Stations) shall be placed as designated by the City of Cocoa Beach.

No equipment shall be placed in any location other than as set forth in this License Agreement. Permittee agrees to promptly remove any equipment placed in an unauthorized location.

Each station shall be identified by an appropriate sign. Street end locations shall be identified clearly on both sides of the sign, or attachment thereto.

Signs may be "adopted" by individuals, businesses, and not for profit enterprises at the discretion of Permittee. Recognition of this adoption may be given on the westward facing

CITY OF COCOA BEACH
COCOA BEACH ROTARY FOUNDATION INC.
LICENSE AGREEMENT FOR DROWN ZERO PROJECT

side of the station. The sign will include the words "adopted by" and shall not exceed an area of 12 inches in height by 12 inches in width.

Maintenance of the signs are the sole and complete responsibility of Permittee as their interests may appear. Immediate removal of all potentially airborne equipment on each station must take place upon announcement by the National Weather Service of a tropical cyclone threat to the City. Failure to maintain the signs with reasonable care and due diligence will be considered a material breach of the Agreement and cause for termination.

This project is subject to current and continued compliance with the appropriate rules & regulations of the Florida Department of Environmental Protection (FDEP), Florida Wildlife Commission (FWC) and those agencies associated with environmental & marine life conservation. Placement of signs shall not interfere with any turtle nesting area.

The City agrees that only as to the above listed locations, Licensee shall have the exclusive right to the placement of Permittee equipment or other life rescue equipment.

City of Cocoa Beach

City Hall
2 South Orlando Avenue
Cocoa Beach, Florida 32931
www.cityofcocoabeach.com



Meeting Agenda

February 6, 2020

7:00 PM

REGULAR MEETING

City Hall Commission Room

City Commission

Ben Malik, Mayor, Seat 1
Ed Martinez, Commissioner, Seat 2
Karalyn Woulas, Commissioner, Seat 3
Skip Williams, Commissioner, Seat 4
Mike Miller, Vice-Mayor, Seat 5

City Staff

Gretchen R.H. Vose and Wade C. Vose, City Attorneys
James P. McKnight, City Manager
Loredana Kalaghchy, City Clerk

Broadcasting of Meetings:

Live meeting broadcasts on: Bright House Networks-Channel 497, 499 for replays of Commission meetings, and on www.cityofcocoa.beach.com.

Report issues: IT Support Desk - 321 868-3319 – a recorded line, or “report a concern” via the City’s webpage.

Meeting Video Archives: www.cityofcocoa.beach.com, under the Government tab.

Packets: Packets are on the city’s website (www.cityofcocoa.beach.com) and at Commission Meetings

Rules of Order: Robert’s Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

Speaking Courtesy Rules:

- o The Commission accepts relevant comments
- o A time limit of three minutes is imposed on each speaker.
- o Please direct comments and questions through the Mayor
- o Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk’s office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- o Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TTY); or (800) 955-8770 (Voice); or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

- Invocation Pastor Mark Reynolds, First United Methodist Church
- Pledge of Allegiance
- Roll Call

B. APPROVAL OF THE AGENDA**C. PUBLIC COMMENTS**

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

D. STAFF REPORTS AND ANNOUNCEMENTS**E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS****F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS****G. CONSENT AGENDA**

1. Approve the January 16, 2020, Commission Meeting Minutes.
Staff Representative: City Clerk Department
Recommendation: Approve
2. Appointment of Members to City Boards/Committees
Police Pension Board – Appoint Adrian Kosicki, to replace vacated seat by Laitham Kellum for the remaining of the two year term, to expire April 1, 2020. Seat Three – Commissioner Karalyn Woulas.
3. Approve First Amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization (TPO), FDOT and Brevard County municipalities in reference to the TPO to provide transportation planning services, to include the Central Florida Expressway Authority. Brevard County is a member of the Central Florida Expressway Board. The Central Florida Expressway Authority has a vital and increasing role in the transportation facilities and services in Brevard County.
Representative: James P. McKnight, City Manager
Recommendation: Approve
4. Authorize Staff to sign a three year Agreement with Cocoa Beach Rotary Foundation Inc. for the Drown Zero Project. Cocoa Beach Rotary Foundation Inc., desires to conduct a public service project, involving the placement of Drown Zero equipment, at specific locations of the City's Ocean Beach. Cocoa Beach Rotary accepts any and all responsibility and liability related with such project. The City and Cocoa Beach Rotary agree to each supply staff to install the Drown Zero equipment. The City also agrees that the Beach Rangers will monitor Drown Zero equipment for purposes of determining if the equipment is missing, needs repair or is damaged. The agreement provides for two (2), one (1) year extensions.
Representative: James P. McKnight, City Manager
Recommendation: Approve
5. Schedule a Town Hall Meeting for March 3, 2020, 6:00 PM, in the City Commission Chambers, at City Hall
Representatives: City Commission
Recommendation: Schedule Town Hall meeting
6. Adopt Resolution No. 2020-04, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District (FIND) grant for the construction of a dock at the Holiday Lane boat ramp, by executing attachment E-7; providing for an effective date. The cost estimate for this project is \$25,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget.
Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works
Recommendation: Approve

7. Adopt Resolution No. 2020-05, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District (FIND) grant for the Public Channel Marker Replacement Project, by executing attachment E-7; providing for an effective date.
The cost estimate for this project is \$65,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget.
Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works
Recommendation: Approve
8. Adopt Resolution No. 2020-06, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District (FIND) grant for the Bicentennial Park Project, Phase I Engineering and Permitting, by executing attachment E-7; providing for an effective date.
The cost estimate for Phase I of this project is \$200,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget.
Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works
Recommendation: Approve
9. Adopt Resolution No. 2020-07, a Resolution approving a Wayfinding Signage Master Plan and the destination criteria to be used for placement of Wayfinding Signage within the City of Cocoa Beach; authorizing the City Manager to execute documents necessary to implement the Master Plan; and providing an effective date.
Staff Representative: Melissa Byron, Marketing Director
Recommendation: Approve
10. Approve the City of Cocoa Beach Strategic Plan 2020 First Quarter Report
Representative: James McKnight, City Manager

H. UNFINISHED BUSINESS

1. Adopt Ordinance No. 1642, Second Reading, Public Hearing, Adoption, An Ordinance of the City of Cocoa Beach further amending the City of Cocoa Beach Firefighters' Retirement System, as restated in Ordinance No. 1431, as subsequently amended, amending Section 7, Pre-Retirement Death, and amending Section 8, Disability, providing for compliance with Chapter 2019-21, Laws of Florida, providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.
Ordinance No. 1642 would codify into the Cocoa Beach Firefighters Retirement Pension Plan sections of Florida Statutes 112.1816, which went into effect on July 2019, that add a non-rebuttable conclusive cancer presumption to in-line of duty disabilities.
Representative: Cocoa Beach Fire Pension Board
Recommendation: Approve
2. Adopt Ordinance No. 1643, Second Reading, Public Hearing, Adoption, An Ordinance of the City of Cocoa Beach, Florida, vacating and abandoning a portion of an unnamed alley lying East of North Atlantic Avenue, West of Ocean Beach Boulevard, South of Cocoa Beach Causeway, North of Dixie Lane and bordering those real properties identified with parcel numbers 24-37-35-ci-17-9, 24-37-35-ci-17-5, 24-37-35-ci-17-1, and 24-37-35-ci-16-1; providing for incorporation of recitals, severability, conflicts and an effective date.
Ordinance No. 1643 would abandon the public interest in the eastern 345.5 foot by 20 foot portion of an alley, extending from the southwest corner of 150 East Cocoa Beach Causeway (Ron Jon bus parking lot) to Ocean Beach Boulevard, between East Cocoa Beach Causeway and Dixie Lane. The alley section is adjacent to Ron Jon and the Southland Corp (7 Eleven), and if approved the land area would be divided. Portions of the same alley providing access to Fawly Towers, Allen Engineering and Rock the Guac will remain as it is today. Ron Jon maintains the subject area, which has no through traffic access. The vacation of the alley would allow Ron Jon to construct an onsite multi story parking garage. This vacation would facilitate several benefits to the City, including fulfilling aspects of the City's Gateway Master Plan by encouraging shared parking; providing for an improved traffic flow pattern along the East Cocoa Beach Causeway corridor; allowing for infrastructure improvements, including stormwater retention; and relieving some parking stress from Shepard Park, which would open up the Park to being available for special events and more beach park activities. Adoption of this Ordinance requires a 5:0 Commission vote.
Applicant: Jack Kirschenbaum, Agent for Ron Jon
Staff Representative: Randy Stevenson, Director of Development Services
Recommendation: Approve

I. NEW BUSINESS

1. Approve the purchase of (2) dump trucks to be purchased through Orlando Freightliner, using the Florida Sheriff's Association Contract, in the amount of \$225,298.00. These are budgeted items.
Representatives: Jonathan Mickler - Fleet Management Supervisor, Brad Kalsow - Water Reclamation Director
Recommendation: Approve
2. Approve the Interlocal Water Service Agreement between the City of Cocoa and the City of Cocoa Beach for the City of Cocoa to provide potable water service to customers and public fire hydrant service within the jurisdictional limits of the City of Cocoa Beach. This is a thirty year agreement that will expire in 2050.
Representative: Eileen Clark, Chief Financial Officer/Assistant City Manager
Recommendation: Approve
3. Adopt Resolution No. 2020-08, and Appoint the Auditor Selection Committee.
 - a) Resolution No. 2020-08, A Resolution of the City Commission of the City of Cocoa Beach, Florida, establishing the Auditor Selection Committee to assist in selecting an auditor to conduct the annual financial audit; and providing for an effective date.
 - b) Appoint Mayor Malik as Chair, Mr. Thomas Scott Cunningham and Mr. John Lose.
Legislation adopted in 2019 relating to government accountability requires that the City establish an Auditor Selection Committee. State Statutes requires that the Auditor Selection Committee consists of at least three members, of whom one member must be a City Commissioner, who shall serve as the Chair of the Committee.
Representative: Eileen Clark, Chief Financial Officer/Assistant City Manager
Recommendation: Approve

J. ADJOURNMENT

CITY MEETING CALENDAR – For Details check Calendar at www.cityofcocoa.beach.com (Click on the Government Tab)

1st and 3rd Thursday of Month City Commission 7:00 PM
1st Monday of Month Planning Board 5:30 PM
1st and/or 3rd Thursday of Month Community Redevelopment Agency 6:00 PM
2nd Monday of Month Land Management Committee 6:00 PM
4th Monday of Month Leisure Services Advisory Board 5:00 PM
Called Upon Demand Police and Fire Pension Boards 3:00 PM
Called Upon Demand General Employee Pension Board 3:00 PM
3rd Wednesday of Month Board of Adjustment Meeting 5:15 PM
3rd Monday of Month Library Board (meets at Library) 5:30 PM
2nd Wednesday of Month Sustainability Committee 6:00 PM

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES
February 6, 2020

A. MEETING CALLED TO ORDER

Mayor Malik called the meeting to order at 7:00 PM.

Invocation Pastor Mark Reynolds, First United Methodist Church

Pledge of Allegiance

Roll Call

Commissioner Woulas joined the meeting by phone.

Commission Members Present:

Commissioner Ed Martinez

Commissioner Karalyn Woulas

Commissioner Skip Williams

Vice-Mayor Mike Miller

Mayor Ben Malik

Administrative Members Present:

City Attorney Becky Vose

City Manager James McKnight

City Clerk Loredana Kalaghchy

Chief Financial Officer/Assistant City Manager Eileen Clark

Water Reclamation Director Brad Kalsow

Recreation Director Laird McLean

Marketing Director Melissa Byron

Fire Chief Ryan Duckworth

Development Services Director Randy Stevenson

Public Works Project Manager Wayne Carragino

B. APPROVAL OF THE AGENDA

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO APPROVE THE AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

C. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

Ms. Janice Scott reported that she had attended a County meeting and that the item on tourist dollars allocation for roads was tabled and would be returning on a future agenda. She noted that a past study showed that Cocoa Beach residents were paying for the impacts of tourism. She pointed out that in the past, there were twenty police officers, and that now there were thirty seven. In her opinion, public safety service costs should be borne by tourism. She pointed out that there were 650 vacation rentals, posted on the internet, for Cocoa Beach. She referred to past Commission discussion of Vice-Mayor Miller writing to legislators in support or in opposition to proposed bills. She asked that Vice-Mayor Miller update the public on topics he was addressing. She encouraged support for using tourist tax dollars to pay for police

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

and fire services.

D. STAFF REPORTS AND ANNOUNCEMENTS

City Manager McKnight reported that the dredging/muck removal had begun in the central area of Cocoa Beach, from Minutemen Causeway moving north; the area adjacent to the Lutheran Church was the first location. He reported that a community brunch was planned for Sunday at the Cocoa Beach Golf Course, from 8:30 a.m. to 12:30 p.m. He reported that a pepper bust (exotic vegetation removal) was scheduled for Friday and Saturday, on Minutemen Causeway, and was sponsored by the Land Management Committee with a grant they received. He encouraged volunteer participation, during the hours of 9:00 a.m. to 1:00 p.m. Mr. McKnight reported that City offices would be closed on February 17, in observance of Presidents' Day. He reported that the sewer slip lining project on the North end of the City had reached 45% completion this week. Mr. McKnight announced that on April 22, the Leisure Services Committee would be holding an open Forum, at the Cocoa Beach Country club. He noted that on February 24, new playground equipment was being installed at Cameron Barkley Park. At inquiry of the Commission if they also received legislative updates, the City Manager confirmed that he would continue to forward proposed legislation updates each week to the Commission. Mr. McKnight reported that discussion on Lori Wilson Park would be on the County Commission Agenda to authorize County staff to move forward with negotiating the transfer of the Park to the City of Cocoa Beach. He reported that Staff met the previous day with the Design Build Team to identify modifications to the new Police Department building, as well as on additional value engineering opportunities. He reported that the occupiable space for the Police Department building was now approximately 25,000 square feet, with total parking on site of 20 spaces, a portion of them covered. He noted that Staff was targeting late March to bring addendums to the Commission. He noted that he will be requesting an opportunity for a Resiliency Workshop for presentation from the East Central Florida Regional Planning Council (ECFRPC) in conjunction with the City's Sustainability Committee.

E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

There was no report.

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Martinez had no report.

Commissioner Woulas complimented the Fire Department for a service call that she witnessed while attending church. She reported that cleanup of Main Street, held the previous Saturday, was well attended. She noted that a clean-up of downtown was planned for every third Saturday, the day following Friday Fest.

Commissioner Williams referred to a company who was interested in starting a water sports business in Cocoa Beach, noting that he had a chance to engage with them and that the business activity did involve jet skis, and banana boat towing rides. He noted that the company wished to give the City a demonstration. He stated that the company was aware that they could not launch the jet skis off the beach, and would launch from the Port travelling to Shepard Park. He shared a presentation on paper, provide by the company, noting that he was not asking for Commission decisions at this time. He stated that in talking to the City Manager, he had mentioned that the current beach vendor permitting did not have a scope to allow for such business activity. There would be potentially a need to change the beach vendor rules. Also noted that there was a beach vendor waiting list. Commissioner Williams noted that potentially this company could partner with the beach vendor currently located at Shepard Park. He asked the Commission to look at the proposal. He noted that the business wished to demonstrate their services to the Commission on April 24, with a rain date of April 25. He suggested seeing what the proposal was all about, before a decision was made.

Commissioner Martinez mentioned the need to evaluate the impacts on the environment, and on the surfing community. He also noted the need to look at the type of jet skis that would be used. Commissioner Williams explained that the proposal included jet skis operating within a buoy confined area. He noted that the company was aware that they would not be able to refuel their jet skis on the beach.

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

City Manager McKnight noted the need to review the code for permissions to operate such services. He noted that he did not see a problem with the company demonstrating their services.

Vice-Mayor Miller reported on the business he conducted in support and in opposition to proposed State legislation. He explained that the parameter of the issues, he had commented on was narrow, and that he had said that he would be reporting on what he had done. He explained that the issues did not change a lot. He reported on Senate Bill 1766, dealing with growth management and the Burt Harris Act. He read the letter he wrote to the legislators opposing the bill. He described the labor and time intensive process to notify the legislators. He noted that another legislative issue of concern was vacation rentals, and how two bills worded exactly the same were not beneficial to the City. He read the letter that he sent to legislators opposing the bills. He noted that vacation rental legislation was a local issue. He noted that he would continue to act as the City's representative. He noted that the following Monday through Wednesday he would be in Tallahassee. He pointed out that the legislators were voting strictly on party lines.

Commissioner Martinez noted that he appreciated Vice-Mayor Miller's effort to contact the State legislators on the two most important topics.

Mayor Malik thanked Vice-Mayor Miller for his efforts. He noted that he also had contacted one of the State Representatives and received a poor response. He noted that he doubted that the Florida Department of Regulations would be able to monitor short-term rentals. He noted that as of last week, there were 796 Airbnb properties in Cocoa Beach. He noted that the bill for short-term rentals received lobbyist funding.

Commissioner Williams noted that he did not have any questions on the report offered by Vice-Mayor Miller.

Mayor Malik was of the opinion that the short term bill would pass. Inquiry was made of the City Attorney if there was anything the City could do to preserve the neighborhoods. City Attorney Vose pointed out that whatever regulations are imposed on short term rentals, would also have to be applied to single family homes. She noted that what could be regulated was noise, parking, and number of occupants. She noted that variances can be provided, if family member numbers exceed the number set for each home. She explained that the City could enforce code by monitoring rental advertisements.

At inquiry by Vice-Mayor Miller, City Attorney Vose noted that the American with Disabilities Act requirements cannot be imposed on single family homes.

Commissioner Martinez noted that he would support occupancy limits. He noted that if the City stayed idle, and did nothing, it would lose the resident community to businesses.

Commissioner Williams inquired if State law could be challenged. The City Attorney noted that the City could impose restrictions that are palatable across the board, such as too many occupants, too much noise, and trash. It was noted that with the aging population, houses are being sold, and turned over for lucrative business such as Airbnbs.

At inquiry by Commissioner Woulas on how much of the City's regulations would stay in place, if the proposed State bills pass, the City Attorney explained that local regulations would all be gone. Commissioner Woulas asked the City Attorney to find ways to control, without violating State law. She noted that she has received complaints on the number of inhabitants in rented establishments and how rooms are counted.

Mayor Malik noted the need to further discuss the topic of short term rentals. He reported on his attendance at an L3Harris meeting that talked about contracts received by the company, and the need to hire more employees. He noted that Patrick Air Force was now part of Space Force. He reported that the following week the Kennedy Space Center Director would be giving a report on activities. He

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

encouraged joining the Mayor's Fitness Challenge, pointing out that the City wished to be champions three years in a row.

G. CONSENT AGENDA

The City Attorney read the Consent Agenda.

MOTION BY MILLER/MARTINEZ

I MOVE TO APPROVE THE CONSENT AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

1. Approve the January 16, 2020, Commission Meeting Minutes. Staff Representative: City Clerk
Department Recommendation: Approve
01-16-20 min
2. Appointment of Members to City Boards/Committees Police Pension Board – Appoint Adrian Kosicki, to replace vacated seat by Laitham Kellum for the remaining of the two year term, to expire April 1, 2020. Seat Three – Commissioner Karalyn Woulas.
Police Pension Appoint Kosicki
3. Approve First Amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization (TPO), FDOT and Brevard County municipalities in reference to the TPO to provide transportation planning services, to include the Central Florida Expressway Authority. Brevard County is a member of the Central Florida Expressway Board. The Central Florida Expressway Authority has a vital and increasing role in the transportation facilities and services in Brevard County.
Representative: James P. McKnight, City Manager Recommendation: Approve
TPO Cover Letter for 1st Amendment to Interlocal Agreement 01-2020
TPO 1-16-20 Draft First Amendment to Restated Interlocal Agreement for Creation of the TPO
4. Authorize Staff to sign a three year Agreement with Cocoa Beach Rotary Foundation Inc. for the Drown Zero Project. Cocoa Beach Rotary Foundation Inc., desires to conduct a public service project, involving the placement of Drown Zero equipment, at specific locations of the City's Ocean Beach. Cocoa Beach Rotary accepts any and all responsibility and liability related with such project. The City and Cocoa Beach Rotary agree to each supply staff to install the Drown Zero equipment. The City also agrees that the Beach Rangers will monitor Drown Zero equipment for purposes of determining if the equipment is missing, needs repair or is damaged. The agreement provides for two (2), one (1) year extensions.
Representative: James P. McKnight, City Manager Recommendation: Approve
Drown Zero License Agreement Memo
Drown Zero Rotary License Agreement
5. Schedule a Town Hall Meeting for March 3, 2020, 6:00 PM, in the City Commission Chambers, at City Hall
Representatives: City Commission Recommendation: Schedule Town Hall meeting
6. Adopt Resolution No. 2020-04, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District (FIND) grant for the construction of a dock at the Holiday Lane boat ramp, by executing attachment E-7; providing for an effective date. The cost estimate for this project is \$25,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget. Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works
Recommendation: Approve
2020-04 Memo Public Dock Holiday Lane FIND
2020-04 FIND grant Holiday Lane Ramp
7. Adopt Resolution No. 2020-05, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

(FIND) grant for the Public Channel Marker Replacement Project, by executing attachment E-7; providing for an effective date. The cost estimate for this project is \$65,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget. Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works

Recommendation: Approve

2020-05 Memo Public Channel Marker Replace Find

2020-05 FIND grant Channel Markers-

8. Adopt Resolution No. 2020-06, a Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida; authorizing the City Manager to apply for a Florida Inland Navigation District (FIND) grant for the Bicentennial Park Project, Phase I Engineering and Permitting, by executing attachment E-7; providing for an effective date. The cost estimate for Phase I of this project is \$200,000, with the City and FIND evenly sharing the amount. This project will be a budgeted item in the FY2021 City Public Works Capital Improvement Budget. Staff Representative: Wayne Carragino, Contracts/Project Manager, Public Works Recommendation: Approve

2020-06 Memo Bicentennial Park FIND-

2020-06 FIND grant Bicentennial Park Engineering

9. Adopt Resolution No. 2020-07, a Resolution approving a Wayfinding Signage Master Plan and the destination criteria to be used for placement of Wayfinding Signage within the City of Cocoa Beach; authorizing the City Manager to execute documents necessary to implement the Master Plan; and providing an effective date. Staff Representative: Melissa Byron, Marketing Director

Recommendation: Approve

2020-07 Agenda summary 2-6-20-

2020-07 Wayfinding Signs

2020-07 Sign Proposal Narrative wayfinding signs

2020-07 Street Map - Vehicular Directional Signage-wayfinding signs

10. Approve the City of Cocoa Beach Strategic Plan 2020 First Quarter Report

Representative: James McKnight, City Manager

Master FY 2020 First Quarter Report

H. UNFINISHED BUSINESS

1. Adopt Ordinance No. 1642, Second Reading, Public Hearing, Adoption, An Ordinance of the City of Cocoa Beach further amending the City of Cocoa Beach Firefighters' Retirement System, as restated in Ordinance No. 1431, as subsequently amended, amending Section 7, Pre-Retirement Death, and amending Section 8, Disability, providing for compliance with Chapter 2019-21, Laws of Florida, providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date. Ordinance No. 1642 would codify into the Cocoa Beach Firefighters Retirement Pension Plan sections of Florida Statutes 112.1816, which went into effect on July 2019, that add a non-rebuttable conclusive cancer presumption to in-line of duty disabilities. Representative: Cocoa Beach Fire Pension Board

Recommendation: Approve

Ord 1642 Memo

Ord 1642 Fire Pension

Ord 1642 Impact Statement

The City Attorney read Ordinance No. 1642 by title.

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO ADOPT ORDINANCE NO. 1642.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

2. Adopt Ordinance No. 1643, Second Reading, Public Hearing, Adoption, An Ordinance of the City of Cocoa Beach, Florida, vacating and abandoning a portion of an unnamed alley lying East of North Atlantic Avenue, West of Ocean Beach Boulevard, South of Cocoa Beach Causeway, North of Dixie Lane and bordering those real properties identified with parcel numbers 24-37-35-ci-17-9, 24-37-35-ci-17-5, 24-

February 6, 2020

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CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

37-35-ci-17-1, and 24-37-35-ci-16-1; providing for incorporation of recitals, severability, conflicts and an effective date. Ordinance No. 1643 would abandon the public interest in the eastern 345.5 foot by 20 foot portion of an alley, extending from the southwest corner of 150 East Cocoa Beach Causeway (Ron Jon bus parking lot) to Ocean Beach Boulevard, between East Cocoa Beach Causeway and Dixie Lane. The alley section is adjacent to Ron Jon and the Southland Corp (7 Eleven), and if approved the land area would be divided. Portions of the same alley providing access to Fawltly Towers, Allen Engineering and Rock the Guac will remain as it is today. Ron Jon maintains the subject area, which has no through traffic access. The vacation of the alley would allow Ron Jon to construct an onsite multi story parking garage. This vacation would facilitate several benefits to the City, including fulfilling aspects of the City's Gateway Master Plan by encouraging shared parking; providing for an improved traffic flow pattern along the East Cocoa Beach Causeway corridor; allowing for infrastructure improvements, including stormwater retention; and relieving some parking stress from Shepard Park, which would open up the Park to being available for special events and more beach park activities. Adoption of this Ordinance requires a 5:0 Commission vote.

Applicant: Jack Kirschenbaum, Agent for Ron Jon

Staff Representative: Randy Stevenson, Director of Development Services Recommendation: Approve Ord.1643.Memo

Ord.1643.OrdinanceRead2.WithExhibits

The City Attorney read the Ordinance by title.

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO ADOPT ORDINANCE NO. 1643.

Ms. Harriett Fersh expressed concern on the property egress onto Ocean Beach Boulevard. Commissioner Williams noted that he looked at the property and that egress would not be on Ocean Beach Boulevard, and would be off SR520.

Attorney Jack Kirshenbaum explained that the site plan for the parking structure will come before the City and City Commission. He noted that it was not possible to have egress and ingress from Ocean Beach Boulevard, and that access to the parking structure would be through SR520. He noted that the project was not in the design phase, as what needed to be determined first was if the vacation of the alley was viable. He noted that he did not know the details on the number of floors for the parking structure, nor did he know the number of parking spaces that would be provided. He estimated that parking spaces could be up to 250.

Ms. Janice Scott pointed out that the agenda item indicated that redevelopment of the property would improve the infrastructure and stormwater retention. She pointed out that the adjoining property the Surf Company put the stormwater retention under the building. She noted that she did not envision traffic improvements to SR520, as the County was currently undertaking a project to improve traffic in the area. She noted that, in principal, she opposed the vacating of any land.

Ms. Harriett Fersh noted that she had hoped to see renderings of the project as provided at the City's Planning Board meeting. She noted that she opposed parking garages on the east side of SRA1A, and inquired if there were intentions to use property for such use.

Mr. Jack Kirshenbaum explained that Ron Jon had engaged a civil engineering firm for stormwater design, and that stormwater retention would be constructed under the garage. He noted that the site plan would be coming to the City for approval.

Commissioner William noted that a parking garage east of SRA1A was not feasible, and the lot owned by Ron Jon was not big enough.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

I. NEW BUSINESS

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

Ms. Janice Scott noted that she spoke with Senator Tom Wright's office. She noted that Senator Wright chaired the Commerce and Tourism Committee, and was in the Brevard County district. She suggested that everyone call him in reference to issues with vacation rentals. Ms. Scott noted that she was made aware that the Senator wanted to hear from the constituents. City Manager McKnight mentioned that the Senator's contact information had been publicized.

Mr. Ed Anderson suggested that the City look at other State regulations for short term rentals. He explained what he had to do as an owner of a short term rental in another State. Commissioner Williams pointed out that if legislation passed, the State would preempt municipalities from adopting regulations. Ms. Anderson noted that regulations could be applied to all rentals and not just short term rentals.

Ms. Harriett Fersh encouraged the Commission to use all means available to inform the residents about issues.

J. ADJOURNMENT

The meeting was adjourned at 8:13 pm.

 Ben Malik, Mayor-Commissioner

 Loredana Kalaghchy, City Clerk

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES

1. Approve the purchase of (2) dump trucks to be purchased through Orlando Freightliner, using the Florida Sheriff's Association Contract, in the amount of \$225,298.00. These are budgeted items.
Representatives: Jonathan Mickler - Fleet Management Supervisor, Brad Kalsow - Water Reclamation Director
Recommendation: Approve
Dump truck agenda.v1-

The City Attorney read the item.

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO APPROVE THE PURCHASE OF TWO DUMP TRUCKS.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

2. Approve the Interlocal Water Service Agreement between the City of Cocoa and the City of Cocoa Beach for the City of Cocoa to provide potable water service to customers and public fire hydrant service within the jurisdictional limits of the City of Cocoa Beach. This is a thirty year agreement that will expire in 2050. Representative: Eileen Clark, Chief Financial Officer/Assistant City Manager
Recommendation: Approve

-Water Service Agreement Memo with Cocoa

Water Service Agreement with Cocoa Beach FINAL

The City Attorney read the item.

MOTION BY MARTINEZ/WILLIAMS

I MOVE TO APPROVE THE INTERLOCAL WATER SERVICE AGREEMENT.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Adopt Resolution No. 2020-08, and Appoint the Auditor Selection Committee.

a) Resolution No. 2020-08, A Resolution of the City Commission of the City of Cocoa Beach, Florida, establishing the Auditor Selection Committee to assist in selecting an auditor to conduct the annual financial audit; and providing for an effective date.

b) Appoint Mayor Malik as Chair, Mr. Thomas Scott Cunningham and Mr. John Lose. Legislation adopted in 2019 relating to government accountability requires that the City establish an Auditor Selection Committee. State Statutes requires that the Auditor Selection Committee consists of at least three members, of whom one member must be a City Commissioner, who shall serve as the Chair of the Committee. Representative: Eileen Clark, Chief Financial Officer/Assistant City Manager

Recommendation: Approve

Memo - Res. 2020 - 08 - Audit Committee

Resolution 2020 - 08 - Audit Committee

The City Attorney read item

MOTION BY MARTINEZ/WILLIAMS

I MOVE TO ADOPT RESOLUTION NO. 2020-08.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

MOTION BY MARTINEZ/MILLER

I MOVE TO ADOPT ITEM 3(B).

Commissioner Williams noted that he appreciated the residents willing to serve on the Committee.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS

Mr. Jeff Kidd noted that Orlando had done work on regulating Airbnbs. He noted that Cape Canaveral was the twentieth in the nation for Airbnbs.

City of Cocoa Beach

City Hall
2 South Orlando Avenue
Cocoa Beach, Florida 32931
www.cityofcocoabeach.com



Meeting Agenda

December 5, 2019

7:00 PM

REGULAR MEETING

City Hall Commission Room

City Commission

Ben Malik, Mayor, Seat 1
Ed Martinez, Vice-Mayor, Seat 2
Karalyn Woulas, Commissioner, Seat 3
Skip Williams, Commissioner, Seat 4
Mike Miller, Commissioner, Seat 5

City Staff

Gretchen R.H. Vose and Wade C. Vose, City Attorneys
James P. McKnight, City Manager
Loredana Kalaghchy, City Clerk

Broadcasting of Meetings:

Live meeting broadcasts on: Bright House Networks-Channel 497, 499 for replays of Commission meetings, and on www.cityofcocoabeach.com.

Report issues: IT Support Desk - 321 868-3319 – a recorded line, or "report a concern" via the City's webpage.

Meeting Video Archives: www.cityofcocoabeach.com, under the Government tab.

Packets: Packets are on the city's website (www.cityofcocoabeach.com) and at Commission Meetings

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

Speaking Courtesy Rules:

- o The Commission accepts relevant comments
- o A time limit of three minutes is imposed on each speaker.
- o Please direct comments and questions through the Mayor
- o Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- o Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TTY); or (800) 955-8770 (Voice); or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

- Invocation Pastor Jay Bergstresser, Lutheran Church
- Pledge of Allegiance
- Roll Call

B ORGANIZATIONAL MEETING:

1. Appoint a Vice Mayor (The appointment of past Vice Mayors rotation schedule is as follows:)

2019	2018 Martinez Seat 2	2017 Williams Seat 4	2016 Woulas Seat 3
2015 Miller Seat 5	2014 Tumulty Seat 2	2013 Williams Seat 4	2012 Malik Seat 3
2011 Netterstrom Seat 5	2010 Griffin Seat 2	2009 Williams Seat 4	2008 Pruett Seat 3

C. APPROVAL OF THE AGENDA

- D. SPECIAL PRESENTATION** - Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.

1. Presentation on the Drown Zero program
Representative: John Alexander, Cocoa Beach Rotary Club.

E. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

F. STAFF REPORTS AND ANNOUNCEMENTS**G. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS****H. CITY COMMISSION REPORTS AND ANNOUNCEMENTS****I. CONSENT AGENDA**

1. Approve the November 21, 2019, Commission Meeting Minutes
Staff Representative: City Clerk Department
Recommendation: Approve
2. Adopt Resolution 2019-26 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, amending the fee schedule for matters, tasks, and services pertaining to the administration and enforcement of the Florida Building Code, specifically to revise fees for permits, re-inspections, revisions, special inspections, professional services and remove imprecise language; providing incorporation of recitals, providing for repeal of conflicting resolutions and fee schedules, providing for posting of the schedule of fees and charges, directing the collection and remittance and providing for an effective date.
This Resolution amends the schedule of fees for matters, tasks, and services pertaining to the administration and enforcement of the Florida Building Code.
Staff Representative: Randy Stevenson, Director of Development Services
Recommendation: Approve
3. Appoint the following members to the Library Board:
a. Appoint Carol Miller as a regular member for a term to expire January 15, 2021. (Seat 1, Mayor Ben Malik).
b. Appoint George Hurt as a regular member for a term to expire January 15, 2023 (Seat 4, Commission Skip Williams).
c. Reappoint Shirley Finke as a regular member for a term to expire January 15, 2021 (Seat 1, Mayor Ben Malik.)
4. Authorize the Staff to sign the Interlocal Agreement between all Brevard County agencies, operating a 9-1-1 Public Safety Answering Point (PSAP), per Florida State Statute. This agreement sets forth the protocols under which a PSAP will provide notice of a public safety emergency, to a first responder agency, for which the PSAP does not provide primary dispatch functions. The agreement shall continue in full force until amended or withdrawn.
Staff Representative: Scott Rosenfeld, Police Chief
Recommendation: Approve

5. Approve one year extensions to the Beach Business Concession Agreements for vendors, located adjacent to City owned property, set to expire on December 31, 2020. The affected businesses are: Big Kahuna Water Sports, LLC, operating at Minutemen Causeway; Double D's of Cocoa Beach, LLC, operating at Minutemen Causeway; First Street North Cocoa Beach Rentals, LLC, operating at First Street North; Ronald Rosenberry, operating at Pulsipher Avenue. The extension would allow the City to works on finalizing a new agreement format, while reviewing comments provided by the vendors at recent meetings.
Staff Representative: Randy Stevenson, Development Services Director
Recommendation: Approve

J. ITEMS REMOVED FROM THE CONSENT AGENDA

K. NEW BUSINESS

- Set Appointments to various Organizations for 2020. (Agenda reflects 2019 appointments.)
1. Representative: Commission
Recommendation: Appoint
- 1a. **Space Coast Transportation Planning Organization (TPO)** Alternate Voting Delegate- (Meets 2nd Thursday, 9am, Viera)
2019 Representative: Rocky Randels, Cape Canaveral Commissioner. Commissioner Williams as Alternate
2019 Citizen Representative: Arlyn DeBlauw, Jay Airis (Cape Canaveral Appointments)
2019 Staff Representative: Public Works Director Robert Torres (2020 Staff Representatives: Add: City Engineer Jared Francis and Projects Manager Rob Strong as Alternate members)
(The North Beach Coalition Advisory Board serves on the TPO. Per the agreement, Cocoa Beach/Cape Canaveral share Voting Delegates on the Transportation Planning Organization. For 2020 and 2021, the Voting Delegate is Cocoa beach. Cape Canaveral is designated as the Alternate.)
- 1b. **Brevard County Water Supply Group** (no set meeting time)
2019 Staff Representative: Water Reclamation Director Brad Kalsow
- 1c. **Space Coast League of Cities** (Meets 2nd Monday, 6:30 pm. at Hosting City)
Space Coast League of Cities Intergovernmental Committee (2nd Monday, 5:45pm, at Hosting City)
2019 Representatives: Commissioner Miller as President; Commissioner Woulas as Regular Member; Mayor Malik as Alternate Member
- 1d. **General Employees' Pension Board** - (Meets Quarterly 3pm, Thursdays before Commission meetings, Cocoa Beach)
2019 Representative: Commissioner Skip Williams
- Cocoa Beach Art Show**
- 1e. 2019 Representative: Vice Mayor Ed Martinez
- 1f. **St. Johns River Water Management District** (Meets as needed)
2019 Staff Representative: Utility Manager Joanie Regan
- 1g. **Canaveral Port Authority** (Meets usually the 3rd Wednesday of the month, 9:00 am)
2019 Representative: Commissioner Karalyn Woulas
- 1h. **Economic Development Council (EDC)**
2019 Representatives: Mayor Malik, and Vice Mayor Ed Martinez as Alternate
- 1i. **Cocoa Beach Main Street**
2019 Representative: Vice Mayor Ed Martinez
2019 Staff Representative: Marketing Director and CRA Administrator Melissa Byron

2. Approve Ordinance 1641, First Reading - An Ordinance of the City of Cocoa Beach, Florida, approving an Agreement for the vacation of three easements, and the dedication of an easement, lying within that real property identified as parcel number 25-37-03-cv-13-1; providing for findings of fact, severability, conflicts and an effective date.
This Ordinance proposes an agreement for the vacation of three easements, and the dedication of one easement, all three of which are located within 1300 N. Atlantic Avenue. The existing easements provide public access into or through the International Palms property. Two of the easements provide vehicle access along the north side of the property, through a parking area and terminating at an ADA accessible parking space in close proximity to an onsite restaurant. One of the easements, an 18 foot wide winding foot path, is in place to provide public pedestrian access from SR A1A to the beach. Post redevelopment, a similar beach access easement will be provided at a width of at least 18 feet near the approximate center of the International Palms site and incorporated into the new site design.
Staff Representative: Randy Stevenson, Director of Development Service
Property Owners: International Palms
Recommendation: Approve
3. Approve a Variance to permit a structure to be construed with a height of 70 feet instead of the maximum of 45 feet. The property is located at 1300 N. Atlantic Avenue, within the OC Oceanside zoning district and is within the Midtown Redevelopment District. This request, if granted, would allow the redevelopment of the International Palms facility, an aging hotel, located at 1300 North Atlantic Avenue, with a building height of 70 feet instead of the permitted maximum height of 45 feet, as provided within the Cocoa Beach Land Development Code (LDC) Sections 2-42 and 2-43. Variances for the height of a structure must be approved by a vote of four Commission members.
Staff Representative: Randy Stevenson, Director of Development Services
Property Owners: International Palms
Recommendation: Approve

L. ADJOURNMENT

CITY MEETING CALENDAR – For Details check Calendar at www.cityofcocoa.beach.com (Click on the Government Tab)

1st and 3rd Thursday of Month City Commission 7:00 PM

1st Monday of Month Planning Board 5:30 PM

1st and/or 3rd Thursday of Month Community Redevelopment Agency 6:00 PM

2nd Monday of Month Land Management Committee 6:30 PM

4th Monday of Month Leisure Services Advisory Board 5:00 PM

Called Upon Demand Police and Fire Pension Boards 3:00 PM

Called Upon Demand General Employee Pension Board 3:00 PM

3rd Wednesday of Month Board of Adjustment Meeting 5:15 PM

3rd Monday of Month Library Board (meets at Library) 5:30 PM

4th Thursday of Month Sustainability Committee 6:30 PM

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES
December 5, 2019

A. MEETING CALLED TO ORDER

Mayor Malik called the meeting to order at 7PM.

* Invocation Pastor Jay Bergstresser, Lutheran Church;

Due to the absence of Pastor Bergstresser, Pastor Capizzi offered the invocation.

* Pledge of Allegiance

* Roll Call

Commission Members Present:

Commissioner Mike Miller

Commissioner Skip Williams

Commissioner Karalyn Woulas

Vice-Mayor Ed Martinez

Mayor Ben Malik

Administrative Members Present:

City Attorney Becky Vose

City Attorney Wade Vose

City Manager James McKnight

City Clerk Loredana Kalaghchy

Public Works Director Robert Torres

Fire Chief Ryan Duckworth

Deputy Police Chief Wes Mullins

Police Chief Scott Rosenfeld

Development Services Director Randy Stevenson

Water Reclamation Director Brad Kalsow

B. ORGANIZATIONAL MEETING

1. Appoint a Vice Mayor (The appointment of past Vice Mayors rotation schedule is as follows:)
2019

2018 Martinez Seat 2

2017 Williams Seat 4

2016 Woulas Seat 3

2015 Miller Seat 5

2014 tumult Seat 2

2013 Williams Seat 4

2012 Malik Seat 3

2011 Netterstrom Seat 5

2010 Griffin Seat 2

2009 Williams Seat 4

2008 Pruett Seat 3

MOTION BY WILLIAMS/MALIK

I MOVE TO APPOINT COMMISSIONER MIKE MILLER AS VICE-MAYOR.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

C. APPROVAL OF THE AGENDA

MOTION BY MILLER/WOULAS

I MOVE TO APPROVE THE AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

D. SPECIAL PRESENTATION - Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.

1. Presentation on the Drown Zero program Representative: John Alexander, Cocoa Beach Rotary Club.

Mr. John Alexander offered an update on preparations and plans for the annual boat parade, which is scheduled for December 14. He asked that boats meet at buoy 101, at SR520, on December 14, if they wish to join the parade. He offered an update on the Ground Zero project and with Mr. Marcin Kubiak, Chairman Drown Zero Project. The project started four years prior with Rotary providing support funding. Rotary was looking at renewing the project contract with the City. There are 42 stations that have life savings rings. There were 20 stations that were up for adoption. One of the goals was to work with the City and County to bring the stations closer to the water. Each station would need to be retrofit and modifications would need to be done during no turtle season. Mention was made of two recent drownings.

Commissioner Martinez noted that he was passionate about the life saving ring stations. He noted that he could not help of thinking of an incident in front of Coconuts restaurant. He noted that if a ring can save a life, he was all for it. He thanked Rotary for the project. At a request for Commission consent to approve moving the ring poles closer to the water, City Manager McKnight noted that he was in conversation with Mr. Alexander. He also mentioned that this project would be turned over to the City's new environmental specialist. The project will get done early in 2020. At inquiry by Vice-Mayor Miller on moving the poles and vulnerability, City Manager McKnight noted that it was a constant battle and maintenance. He noted that generally, Rotary did the maintenance.

Commissioner Williams offered suggestions for the construction of a monopole station. Mr. Alexander mentioned that once the poles are installed they are not removed from the stations, even during hurricanes.

Mayor Malik noted that Kiwanis had adopted the pole. Mr. Alexander concurred, also noting the bank, that the Mayor works for, has adopted a pole.

E. PUBLIC COMMENTS

Mayor Malik announced that there was no plan to privatize the takeover of Lori Wilson Park. He noted that the City Cocoa Beach will try and get the Park from Brevard County, at their offering. Cocoa Beach wants to ensure that a mechanism would be put in place for the Park to generate funds, for Park maintenance.

There were no public comments.

F. STAFF REPORTS AND ANNOUNCEMENTS

City Manager McKnight reported on upcoming events – the following Saturday's Street Parade was scheduled for 2:00 p.m. He asked the Commission to be present at the normal location by 1:30 p.m., in order to join the Parade. He reported that the Winter Fest was planned the following Saturday, Downtown, from 12 noon to 9:00 p.m. He reported that breakfast with Santa was planned for December 14, 2019, 9:00 a.m. – 11:00 a.m. He noted that the boat parade was scheduled for the December 14, 2019 evening. Mr. McKnight reported that the 2020 Mayors Challenge would begin on February 1 through March 27, and that the sign in was effective December 9. He reported that the Interlocal Agreement for the Sports Complex at Cocoa Beach High School was not scheduled on the December School Board Agenda. He noted that Staff was meeting with the School Board Administration to work through the Agreement; also on the agenda was the Ramp Road Park Interlocal Agreement. He reported that the ABM contractors were proceeding well with the energy efficiency improvements,

December 5, 2019

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

and that it was expected that completion of the improvements to be done by January. Mr. McKnight reported that the parking permit stickers were on sale at City Hall, and that the City will be having a Saturday sell date on January 11, from 9:00 a.m. to 11:00 a.m. At inquiry about the usage of the Downtown Parking Garage, Mr. McKnight reported that there were 600 parking transaction on the previous Saturday.

G. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

There was no report.

H. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Martinez thanked the organizers of the Cocoa Beach Art show.

Commissioner Woulas wished Happy Holidays.

Vice-Mayor Miller noted that the Cocoa Beach Art Show was enjoyable. He concurred that the Downtown Parking Garage did well with revenue during the Thanksgiving weekend.

Commissioner Williams suggested advertising for the Saturday sale of parking permits. He listed events held in the City that brought people to Cocoa Beach. He noted that the events bring tangible economic benefit to the City and that he hoped that residents and businesses welcomed the events. He noted that he would be a judge for the Surfing Santa event.

Mayor Malik agreed on the Art Show's success and offered kudos to the organizers. He also congratulated the organizers of the turkey trot run, for a fantastic event. He encouraged joining service clubs, noting as an example, Kiwanis raises funds for scholarships.

I. CONSENT AGENDA

1. Approve the November 21, 2019, Commission Meeting Minutes Staff Representative: City Clerk

Department Recommendation: Approve
November 21, 2019 City Commission Minutes

2. Adopt Resolution 2019-26 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, amending the fee schedule for matters, tasks, and services pertaining to the administration and enforcement of the Florida Building Code, specifically to revise fees for permits, re-inspections, revisions, special inspections, professional services and remove imprecise language; providing incorporation of recitals, providing for repeal of conflicting resolutions and fee schedules, providing for posting of the schedule of fees and charges, directing the collection and remittance and providing for an effective date. Staff Representative: Randy Stevenson, Director of Development Services
Recommendation: Approve This Resolution amends the schedule of fees for matters, tasks, and services pertaining to the administration and enforcement of the Florida Building Code.

Resolution No. 2019-26

Resolution No. 2019-26 Memo

3. Appoint the following members to the Library Board:

a. Appoint Carol Miller as a regular member for a term to expire January 15, 2021. (Seat 1, Mayor Ben Malik).

b. Appoint George Hurt as a regular member for a term to expire January 15, 2023 (Seat 4, Commission

December 5, 2019

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

Skip Williams).

- c. Reappoint Shirley Finke as a regular member for a term to expire January 15, 2021 (Seat 1, Mayor Ben Malik.)

4. Authorize the Staff to sign the Interlocal Agreement between all Brevard County agencies, operating a 9-1-1 Public Safety Answering Point (PSAP), per Florida State Statute. This agreement sets forth the protocols under which a PSAP will provide notice of a public safety emergency, to a first responder agency, for which the PSAP does not provide primary dispatch functions. The agreement shall continue in full force until amended or withdrawn. Staff Representative: Scott Rosenfeld, Police Chief

Recommendation: Approve

911 Interlocal Agreement Memo

911 Interlocal Agreement

911 Interlocal Agreement - revised December 4, 2019.

5. Approve one year extensions to the Beach Business Concession Agreements for vendors, located adjacent to City owned property, set to expire on December 31, 2020. The affected businesses are: Big Kahuna Water Sports, LLC, operating at Minutemen Causeway; Double D's of Cocoa Beach, LLC, operating at Minutemen Causeway; First Street North Cocoa Beach Rentals, LLC, operating at First Street North; Ronald Rosenberry, operating at Pulsipher Avenue. The extension would allow the City to work on finalizing a new agreement format, while reviewing comments provided by the vendors at recent meetings. Staff Representative: Randy Stevenson, Development Services Director

Recommendation: Approve

Concession Agreements Memo

Big Kahuna Agreement

Double D's Agreement

First Street Agreement

Rosenberry Agreement

The City Attorney read the Consent Agenda.

MOTION BY MILLER/WOULAS

I MOVE TO APPROVE THE CONSENT AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

J. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the Consent Agenda.

K. NEW BUSINESS

1. Set Appointments to various Organizations for 2020. (Agenda reflects 2019 appointments.)

The City Attorney read the item, section by section.

- 1a. Space Coast Transportation Planning Organization (TPO) Alternate Voting Delegate- (Meets 2nd Thursday, 9am, Viera) 2019 Representative: Rocky Randels, Cape Canaveral Commissioner. Commissioner Williams as Alternate 2019 Citizen Representative: Arlyn DeBlauw, Jay Airis (Cape Canaveral Appointments) 2019 Staff Representative: Public Works Director Robert Torres (2020 Staff Representatives: Add: City Engineer Jared Francis and Projects Manager Rob Strong as Alternate members) (The North Beach Coalition Advisory Board serves on the TPO. Per the agreement, Cocoa

December 5, 2019

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

Beach/Cape Canaveral share Voting Delegates on the Transportation Planning Organization. For 2020 and 2021, the Voting Delegate is Cocoa beach. Cape Canaveral is designated as the Alternate.) Commissioner Williams was appointed as a member of the TPO. At inquiry, City Manager McKnight noted that Mr. Tony Sasso was a TPO Citizens Advisory Committee member, appointed by County Commissioner District 2. Commissioner Williams noted that the City had received correspondence from Mr. Orson Tarver, expressing interest in serving on the TPO Citizens Advisory Committee.

1b. Brevard County Water Supply Group (no set meeting time) 2019 Staff Representative: Water Reclamation Director Brad Kalsow>

Mr. Brad Kalsow was reappointed to the Supply Group.

1c. Space Coast League of Cities (Meets 2nd Monday, 6:30 pm. at Hosting City)

Space Coast League of Cities Intergovernmental Committee (2nd Monday, 5:45pm, at Hosting City)

2019 Representatives: Commissioner Miller as President; Commissioner Woulas as Regular Member; Mayor Malik as Alternate Member

Vice-Mayor Miller noted that his term as the Space Coast League of Cities President expired on February 2020. He noted that following the expiration, he would continue to serve on the Board as the immediate Vice President. Commissioner Woulas and Mayor Malik will continue to serve as the Regular and Alternate members.

1d. General Employees' Pension Board - (Meets Quarterly 3pm, Thursdays before Commission meetings, Cocoa Beach) 2019 Representative: Commissioner Skip Williams

Commissioner Williams noted that the General Employees Pension investments were in the black. He volunteered and was confirmed by the Commission to continue serving on the Board.

1e. Cocoa Beach Art Show 2019 Representative: Vice Mayor Ed Martinez

The Commission confirmed Commissioner Martinez reappointment.

1f. St. Johns River Water Management District (Meets as needed) 2019 Staff Representative: Utility Manager Joanie Regan

City Manager McKnight announced that Stormwater Utility Director Joanie Regan had announced her retirement effective January 21. He asked that this appointment be brought back to the Commission on a future agenda.

1g. Canaveral Port Authority (Meets usually the 3rd Wednesday of the month, 9:00 am) 2019 Representative: Commissioner Karalyn Woulas

Commissioner Woulas was reappointed.

1h. Economic Development Council (EDC) 2019 Representatives: Mayor Malik, and Vice Mayor Ed Martinez as Alternate

Mayor Malik and Commissioner Martinez were reappointed.

1i. Cocoa Beach Main Street 2019 Representative: Vice Mayor Ed Martinez 2019 Staff Representative: Marketing Director and CRA Administrator Melissa Byron>

Commissioner Martinez and Ms. Melissa Byron were reappointed.

MOTION BY MILLER/WILLIAMS

I MOVE TO APPROVE ALL APPOINTMENTS, INCLUDING ELIMINATING ITEM 1F

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

December 5, 2019

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

2. Approve Ordinance 1641, First Reading - An Ordinance of the City of Cocoa Beach, Florida, approving an Agreement for the vacation of three easements, and the dedication of an easement, lying within that real property identified as parcel number 25-37-03-cv-13-1; providing for findings of fact, severability, conflicts and an effective date. This Ordinance proposes an agreement for the vacation of three easements, and the dedication of one easement, all three of which are located within 1300 N. Atlantic Avenue. The existing easements provide public access into or through the International Palms property. Two of the easements provide vehicle access along the north side of the property, through a parking area and terminating at an ADA accessible parking space in close proximity to an onsite restaurant. One of the easements, an 18 foot wide winding foot path, is in place to provide public pedestrian access from SR A1A to the beach. Post redevelopment, a similar beach access easement will be provided at a width of at least 18 feet near the approximate center of the International Palms site and incorporated into the new site design. Staff Representative: Randy Stevenson, Director of Development Service Property Owners: International Palms Recommendation: Approve

Ordinance No. 1641

Ordinance No. 1641 Memo

Ordinance No. 1641 Memo with
attachments

Ordinance No. 1641 Memo

Attachment - Map

Ordinance No. 1641 with Agreement

Ordinance No. 1641 Exhibit A

Ordinance No. 1641 Agreement

City Attorney Becky Vose pointed out for this Ordinance to be adopted, it required a unanimous Commission vote.

MOTION BY WOULAS/MILLER

I MOVE TO APPROVE ORDINANCE NO. 1641 ON FIRST READING.

Ms. Alexander Bobo inquired why item one was being considered prior to item 2.

City Attorney Becky Vose explained that this was the first of two readings of the ordinance. She noted that the vacation of the easements would not occur until the construction of the project.

Commissioner Williams pointed out the current easements and the easements being proposed. At inquiry, Development Services Director Stevenson explained that the easement agreement would not come into effect until construction activity. He explained that the current easements would not go away, until construction commenced. Commissioner Williams explained that the Ordinance would do away with the current three easements and approve new easements. City Attorney Becky Vose explained that the specifics were noted in the agreement that was attached to the Ordinance. City Attorney Wade Vose confirmed that the old easements would not go away, when construction started. City Attorney Becky Vose pointed out the Planning Board's concerns about the sequence of vacating the current easements and instituting the new easements. It was noted that if construction did not commence, the City would not lose the current easements.

Development Services Director Stevenson explained that the easement agreement was attached to the ordinance. He explained that the agreement specified that the City would not get rid of the existing easements, until the new easements are established. The ordinance approved the agreement. He noted that a five zero Commission voted was required as vacation of easements was considered abandonment of the easement. City Attorney Becky Vose reported on the discussions held by the Planning Board.

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Attorney Phillip Nohr introduced project manager Nelson Parker. Mr. Parker, Managing Director for development of Driftwood, representing the applicant, reviewed the location of the easements and offered an overlay of the site plan concept at the early stage of the project. He showed the current Holiday Lane easement, which meanders, and the easement that would replace it, which would be a straight line. He showed the proposed drop off area to the proposed development, where the parking structure would be located, where retail would be located, a promenade area, and a bridge leading to the beach. He showed depictions of the proposed project.

MOTION BY MILLER/MARTINEZ

I MOVE TO APPROVE ORDINANCE NO. 1641 ON FIRST READING.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Approve a Variance to permit a structure to be construed with a height of 70 feet instead of the maximum of 45 feet. The property is located at 1300 N. Atlantic Avenue, within the OC Oceanside zoning district and is within the Midtown Redevelopment District. This request, if granted, would allow the redevelopment of the International Palms facility, an aging hotel, located at 1300 North Atlantic Avenue, with a building height of 70 feet instead of the permitted maximum height of 45 feet, as provided within the Cocoa Beach Land Development Code (LDC) Sections 2-42 and 2-43. Variances for the height of a structure must be approved by a vote of four Commission members. Staff Representative: Randy Stevenson, Director of Development Services Property Owners: International Palms Recommendation: Approve

Variance Memo

Variance Maps

Variance Maps Updated December 3, 2019

Variance Justification Report

City Attorney Becky Vose read the item, and pointed out that this item would follow quasi-judicial procedures. She read a statement that explained the quasi-judicial variance process. She noted that the variance stands on its own merit, and does not set legal precedence.

City Attorney Wade Vose explained the changes that were done to the Comprehensive Plan and Land Development Code to implement charter imposed requirements for building height variances. He reviewed the criteria that needed to be met in order for the City to grant a variance. He noted that this criteria reference would be brought back for Commission consideration, once the evidence had been presented.

Commissioner Williams pointed out that the criteria to obtain a variance had not changes, and that the changes made were to streamline the process. Mayor Malik pointed out that the City Charter was the governing City document, and that previously there had been conflicts between the Charter, the Land Development Code and the Comprehensive Plan.

Vice-Mayor Miller reported that there had been many discussions on this site, as this was the largest hotel in Cocoa Beach. He noted that when running for re-election, there were many discussions with constituents. He pointed out that all four candidates, running for election in 2018, were in favor of the redevelopment of the property. He pointed out that both he and Commissioner Williams were re-elected. He reported on ex-parte discussions on this property that included a briefing on the project drawings, by the applicant who also asked for recommendations. He acknowledged receiving numerous emails on this subject, noting that he responded to everyone he could.

At inquiry by Commissioner Williams, City Attorney Wade Vose explained that the quasi-judicial

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**CITY OF COCOA BEACH, FLORIDA
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procedure required the Commission to disclose ex-parte communication directed to this variance. Commissioner Williams noted that he received emails and did not respond to all the emails. He stated that he did accept courtesy calls from Attorneys Nohrr and Kendal. He noted that the calls were not trying to manipulate the results, and wanted to ensure that there were no questions. He also mentioned that he had multiple discussions on the subject with various people.

Commissioner Martinez noted that he had a lot of conversation with the general public on this subject. He noted that he also received an offer from Attorney Nohrr and was not able to meet, as he was out of the country.

Commissioner Woulas reported that she received the same emails as the rest of the Commission, pointing out that they were a public record. She noted that she talked to the Attorneys for Driftwood, and that the Commissioners met individually with them. She noted that she also spoke with people around town; support was expressed for the project. She noted that she had nothing different to say than what other Commissioners had mentioned.

Mayor Malik explained that this was the single biggest parcel in town and that the project was an opportunity for the City to move forward. He noted that he would be making a decision on the request for a variance, based on the presentation. He reported that he had received twenty seven emails for the project, and four against.

Development Services Director Randy Stevenson noted that Staff and the Applicant have been talking about this project for the past three years. He described the project as redevelopment in a redevelopment district. He noted that there were four redevelopment districts in the City. He noted that the variance sought was to permit an overall building height of 70 feet, rather than 45 feet. He noted that along with the variance, the application for this project would allow the redevelopment of the International Palms site to be in compliance with the City's redevelopment process. He listed items worth the consideration that are being brought with the project, pointing out the age of the building structures, an increase of stormwater requirements, and upgrades in life safety. He pointed out that International Palms was built in the 1960s. Also pointed out was the crime associated with the property, and the elevated fire and police service calls. He referred to the submittal of the project justification report.

Attorney Phillip Nohrr submitted two documents for the records, the height variance request, which was dated October 22, 2019, and Rochelle W. Lawandales curriculum. He introduced Rochelle Lawandales and Nelson Parker, representatives for the project. He noted that the project will be something the City would be proud of. He noted that Ms. Rochelle Lawandales' curriculum confirmed her as an expert witness.

Managing Director for Driftwood, Mr. Nelson Parker explained that his client had acquired the International Palms property in 2016. He described the property as oceanfront with potential. He reported that the proposed project included replacing in its entirety International Palms. He described how the proposed project would use the site, and noted that off SRA1A, at the south west side, there would be conference room space. The property would then migrate into a roundabout area that included the hotel, accessibility to a parking structure, green areas, boutiques and food and beverage establishments. He noted that the promenade would be open 24 hours for the community to enjoy it. He noted that the proposed hotel would be first class and 4.5 stars. He stated that the cost of the project was estimated to be up to 250 million dollars. He offered renderings of the proposed project. He stated that there would be many pools, and spa resort amenities. He explained that the northern facing pool, would have the public easement travelling underneath it. He offered an overview of the project, as it had evolved to date. He noted that he hoped the community would be proud of the project and pointed out that the restaurant and some facilities would be open to the public.

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Project Planner Rochelle Lawandales noted that she has lived in the area for over 40 years and had worked with public and private companies. She related her credentials. She stated that she was familiar with the site's existing boundary and site survey, noting that there were 21 buildings on the property. She described the site as covered with asphalt that meets few, if any, current modern building standards. She noted that a complete overhaul was planned for the site. She noted that this project was exciting, and that the City was in a cusp of change. She noted that the request for the variance was in conformance with the City Charter, and approval would help define the shape of the final design. She noted that the current site was blighted and created a drain in the City's resources. She stated that the proposed project met all criteria within the Land Development Code. She stated that the entire site would be demolished, and new standards would be applied to the new project. She noted that the new buildings will be energy efficient, which will aid in improving the lagoon. She noted that the improvements will reduce crime, currently occurring at the site. She noted that the new project will replace the current infrastructure and corroding pipes. She noted that the sewer improvements will be made to Tulip Lane and the Marlins Condominium. She stated that redevelopment will create economic vitality. She stated that not getting the variance, would result in economic losses, and would deprive rights. She projected slides that showed building heights for neighboring properties. She projected a slide that showed that the new International Palms buildings will have a relationship, and will be consistent with the surroundings. She noted that only with the variance, can the site be turned around as a positive contributor. She noted that the restaurants, bars, the convention center, the fitness center and the tennis courts will be open to the public. She noted that the application for a variance was in compliance with the Comprehensive Plan, sustainability requirements, and met the Charter requirements, warranting the awarding of the variance.

At inquiry by Vice-Mayor Miller, Ms. Lawandales mentioned that, rather than seeing asphalt from SRA1A, the current project will show a parking structure. Vice-Mayor Miller noted that the new construction will be more environmentally sensitive. In reference to the increase in height due to the variance, Ms. Lawandale noted that the new building would not cast more shadow on the beach, than other buildings of the same height.

At inquiry by Commission Woulas about the increase in traffic and density, Ms. Lawandales replied that the new structure would have the same amount of rooms as the current structure of 502 rooms. She noted that traffic studies will be conducted.

At inquiry by Commissioner Martinez, Ms. Lawandales noted that there would not be an increase in density with the new building, as the new building will have the same amount of rooms as the current structure, 502 rooms.

Mayor Malik inquired about the volume of public safety calls. Ms. Lawandales explained that there had been 2,155 calls in 3 years. Mayor Malik noted that the current low cost to rent a room at International Palms, attracted a type of element to the hotel.

Commissioner Williams noted that he had reviewed the package and had no questions.

At inquiry by Development Services Director Randy Stevenson if the development would be treated as a planned development with a planned development agreement, Ms. Lawandales replied in the positive. Ms. Stevenson pointed out that both items will come before the Commission for approval.

Ms. Nancy Abbott referred to the easement that was being vacated. Commissioner Williams confirmed that the current easement was a vacated public street. Ms. Abbott inquired if affordable housing

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developments would be located at the resort for the employees. She also inquired if the pool was open to the residents. Ms. Lawandale noted that the project was not for affordable housing and that the pool was only to be used by resort residents.

Ms. Alexandra Bobo inquired on the reason a 70 foot structure was being proposed. In her opinion, the developer could get the same results with a 45 foot building. She also noted that all buildings age.

Ms. Paula Plesher noted the need to build affordable housing. She noted that she wished to keep Cocoa Beach a small town that was not out priced. She stated the need for higher range structures that keep affordable price ranges.

Mr. Joe Bielitzki pointed out that the property had been purchased pre-election referendum. He noted concern that other buildings on the beach were over 70 feet. He noted that he appreciated the developers willing to make the investment on the property. In his opinion, the referendum limiting height generated a development compromise. He noted that he was opposed to the 70 foot height, noting that the referendum set a lower height limit.

Ms. Ellen Tetlow noted that she had nothing to say against Driftwood. She noted concern for setting precedence for a 70 foot variance. She inquired on how often such variances would be approved, and offered caution for the future.

Mr. Byron Evetts noted that he had an engineering firm and had no commercial interest in the site being considered. He pointed out that the current structures were dilapidated. He noted that residents voted to raise the height limit to stimulate controlled growth. He referred to other structures that were over the 70 foot limit. He noted that the proposed project was not a skyscraper and would not shadow the beach. He encouraged people to embrace the project.

Ms. Kate Lose noted that she was excited by this project. She described the project as environmentally friendly. She pointed out that the current structures were 60 years old. She suggested that the vegetation, currently on the International Palms site, be transplanted.

Mr. Lance Armstrong compared an expensive hotel to a cheap hotel. He referred to the crime statistics at the current site. He noted the need to continue to beautify the City, and the need to embrace the project.

Mr. Scott Levy noted the need for redevelopment and was in favor of the project moving forward.

Mr. Jim Emory noted that he moved to the City in 1984. He noted that he was now seeing an aging town. He noted that the youth did not wish to live in Cocoa Beach and that something needed to be done for economic vitality. He noted that the project was great, rare, a legacy and a catalyst for other things. He was in favor of this project.

Ms. Sherri Blackton noted that she had come to the meeting expecting to not speak. In her opinion there was something in the middle that could be built, within the height requirements. In her opinion, it was not the government's job to maximize developer profits. She pointed out that the City had changed variance requirements in September, and in her opinion it seemed to her that the requirements had been written almost specific for the property being developed.

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A resident noted that she did not plan to speak and that her great grandfather had built the Driftwood house. She noted that she has seen Cocoa Beach great, and has seen it crumble. She encouraged the City to move forward with responsible progress, redevelopment and moving forward from the 1960s.

Mr. Helvio (phonetically spelled) noted that a 250 million dollar investment in Cocoa Beach was a good thing. He inquired if the City was expected to exempt the property from taxes. Mayor Malik pointed out that hotels are exempt from applying for tax breaks.

Mr. Jerry Medinger read a statement on behalf of Dr. George Herman, a resident who was not able to be present, in support of the variance. Mr. Medinger noted that he also supported the project.

Ms. Susan Burrows noted that she had been coming to Cocoa Beach since 1975. She noted the need for the City to recapture business and conferences coming to the City. She supported the project.

Mr. Tim Harmer asked for specifics on the project. He also suggested that the new establishment pay higher wages to its employees.

Mr. Erin Keen noted that she was an interior design student. In her opinion this project was what Cocoa Beach needed. She stated that, as the City was currently, she would not like to move back to Cocoa Beach, after schooling. She noted that Cocoa Beach had a great history and that it should grow with the space community.

Mr. Ed Panchak noted that something attracted him to Cocoa Beach. He noted that he was not in favor of the variance, stating that one variance would lead to another. In his opinion, the project can be done within the Codes that were approved by the voters.

Vice-Mayor Miller noted that the application for the variance was for special consideration to this site. He explained that height variances can only be applied to 13% of the City. He noted that International Palms was the largest parcel in the 13% area. He noted that variances will not happen all over the City. He pointed out that building height is allowed to 45 feet, without obtaining a variance. He noted that the City always has had the variance process. He noted that he was in favor of this project, stating that it will bring the quality of all hotels up.

Commissioner Woulas also noted that buildings can go to 45 feet in height without a variance. She explained that the maximum building height one can build to, with a variance, was 70 feet. She noted that there were not too many projects that could redevelop, and that redevelopment will not happen too often and soon. She noted that Driftwood looked at what the community wanted. She noted that the project was environmentally and economically minded. The project was a win win for both the developer and the City. She noted that the project would raise the bar for other hotels. She noted that with new construction, there would be less service calls, and more bed tax. She noted that she did not do not see anything bad with the project and would support it.

Commissioner Martinez noted that great points were noted by both Commissioner Woulas and Vice-Mayor Miller. He restated that height variances apply to 13 % of the City, and not above 70 feet of height would be allowable. He noted that the density was not changing. He noted that first responders would probably like to get less calls from the property. He noted that he cared about the environment and that the project was a better way to go. He noted that the improvement was an opportunity for local residents. He noted the need to think about the younger residents and the need to provide a vibrant place to live. He noted that he was in favor of the project and thanked Driftwood for the hard work and the

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investment.

Mayor Malik pointed out that the variance process existed since the Charter was created. He noted that the City had approved four variances since the height restriction was imposed. He pointed out that International Palms was the singular largest parcel on the ocean. He noted that the project would stimulate the town. He noted that nobody wanted to see the development of Miami. He noted that a variance could be applied to 13% of the City. He pointed out that Cocoa Beach was on the map. He referred to the commercial rocket industry, noting that the City would miss out in the industry, if it did not have a four star hotel. He noted that International Palms was a unique parcel of property. He noted that he would support the project.

Commissioner Williams pointed out that the Charter distinctively allows for variance applications, a process that is encouraged by the State. He noted that the City approved the development districts to encourage redevelopment. He noted that the variance criteria requirements did not have a scale to rated how good the answers are. He noted that his only concern was that once the variance passed, further approval of the development process, only required a 3:2 Commission vote. He noted that the depiction of the project showed that the total roof top, that was 70 feet high, was 20.9% of the construction. Commissioner Williams stated that he wished for the developer to approve that the total roof structure, at 70 feet, would not exceed 25% of the total roof.

Mayor Malik noted that the developer understood the City's intentions. He pointed out that the drawings that had been presented were not engineered drawings, and that percentage limits were conditions that could limit the project. He noted that not 100% of the property will be six stories high.

City Attorney Vose noted that a development agreement would be coming before the Commission, and the Commission would be receiving more information. He confirmed that the development agreement would need a 3:2 Commission vote, to be approved.

Development Services Director confirmed the City Attorney's statement in reference to the development agreement. He pointed out that what was being presented was level one conceptual plans. In his opinion, imposing a percentage for rooftop at this stage, would limit what can be done with building positioning and roofs. He noted that the Staff will work on the applicant, incorporating the Commission's intent.

Commissioner Woulas was of the opinion that imposing percentage limits on the 70 foot building height was not applicable to what the Commission was voting on.

At inquiry by Vice-Mayor Miller, Development Services Director Stevenson mentioned the requirements for open space. Vice-Mayor Miller noted that he did not believe this was the time to negotiate with the applicant, for the percentage of the 70 foot roof coverage.

Commissioner Williams noted that he wished commitment on a percentage limit that would be 70 feet in height.

City Attorney Wade Vose stated that, per the Code, there was a need for the motion to contain the Land Development Code provisions governing the variance that required the City Commission to make findings of fact, based on the evidence.

MOTION BY MARTINEZ/WOULAS

I MOVE TO APPROVE THE HEIGHT VARIANCE, BASED ON THE FINDING THAT THE FACTS AND

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EXPERT TESTIMONY, PROVIDED BY CITY STAFF AND THE APPLICANT, AND IN PARTICULAR THE APPLICANT'S JUSTIFICATION REPORT, TO BE CREDIBLE AND COMPETENT SUBSTANTIAL EVIDENCE THAT SUPPORTS EACH OF THE ELEMENTS REQUIRED TO GRANT THE REQUEST FOR THE HEIGHT VARIANCE, AND THAT THE VARIANCE SHALL BE CONDITIONED UPON THE RESTRICTIONS THAT RESIDENTIAL AREAS, RS1 AND RM1, SHALL BE BUFFERED BY TIERED HEIGHTS FROM HIGHER STRUCTURES, WITH INTERVENING RIGHTS OF WAY, OR CANALS, NOT CONSIDERED BUFFERS.

Commissioner Williams stated that he trusted that the applicant will take seriously the comments made by the Commission in reference to limiting the amount of roof that will be 70 feet in height.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

L. ADJOURNMENT

The meeting was adjourned at 9:54 PM.

 Loredana Kalaghchy, City Clerk

 Ben Malik, Mayor-Commissioner

City of Cocoa Beach

City Hall
2 South Orlando Avenue
Cocoa Beach, Florida 32931
www.cityofcocoabeach.com
www.golfcocoabeach.com



Meeting Agenda

November 3, 2016

7:00 PM

REGULAR MEETING

City Hall Commission Room

City Commission

Tim Tumulty, Mayor, Seat 1
Ed Martinez, Commissioner, Seat 2
Ben Malik, Commissioner, Seat 3
Skip Williams, Commissioner, Seat 4
Mike Miller, Vice-Mayor, Seat 5

City Staff

Skip Fowler, City Attorney
Charles H. Holland, Jr., Acting City Manager
Loredana Kalaghchy, City Clerk

Broadcasting of Meetings:

Live meeting broadcasts on: Bright House Networks-Channel 497, and www.cityofcocoabeach.com.
Report issues: IT Support Desk - 321 868-3319 – a recorded line, or “report a concern” via the City’s webpage.
Meeting Video Archives: www.cityofcocoabeach.com, under the Government tab.

Packets: Packets are on the city’s website (www.cityofcocoabeach.com) and at Commission Meetings

Rules of Order: Robert’s Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

✓ **Speaking Courtesy Rules:**

- The Commission accepts relevant comments
- A time limit of three minutes is imposed on each speaker.
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk’s office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TTY); or (800) 955-8770 (Voice); or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

- Invocation offered by Father Scott Holcombe, St. David's By the Sea Episcopal Church
- Pledge of Allegiance
- Roll Call

B. APPROVAL OF THE AGENDA:**C. SPECIAL PRESENTATIONS AND COMMITTEE REPORTS – Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.**

1. Presentation by Environmentally Endangered Lands Program (EEL) representative on the Restoration Status of the South Thousand Islands
Representative: Mike Knight, EEL Program Manager

D. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

E. STAFF REPORTS AND ANNOUNCEMENTS:**F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS:****G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS:****H. CONSENT AGENDA**

1. Approve the October 20, 2016, Commission Meeting Minutes
Staff Representative: City Clerk Department
Recommendation: Approve
2. Request to decline the offer made on October 20, 2016, from E Lifeguard Inc. for flotation devices & rescue stations; this is not a budgeted item. (Item added to Agenda on October 31, 2016)
Staff Representative: Charles H. Holland Jr., CGFO, Acting City Manager
Recommendation: Decline Offer

I. ITEMS REMOVED FROM THE CONSENT AGENDA**J. NEW BUSINESS**

1. Approve associated contracts for a Health Clinic. As a way to provide a high level of service to City employees, and contain/ control costs of health insurance, the City wishes to pursue an Employee Health Center ("Health Clinic"). This Health Center would allow the City to offer benefits, while redirecting claim and generic pharmaceutical experience away from the major medical health insurance plan. This is a budgeted item.
Authorize Staff to execute a three-year (multi-year):
 1. Interlocal Agreement between the Cities of Cocoa, Cocoa Beach, Rockledge, and Satellite Beach to cost share Employee Health Center services. This arrangement will allow the City to offer a clinic, at two locations, with increased hours and services at a lower price point.
 2. Contract with CareATC, to provide an Employee Health Center ("Health Clinic"). Employees and their dependents will be able to use the Clinics' two locations Cocoa and Satellite Beach.
Staff Representative: Natalie McClenahan, PHR, SHRM-CP, MPA
Recommendation: Approve

2. Approve the proposed Fiscal Year 2017 City of Cocoa Beach employee benefit renewal agreements for medical, dental, vision, and life insurances, with associated providers.
 - A. Major Medical Insurance: Authorize Staff to execute a one-year contract with Cigna. (Cigna projects savings based on the current claims and the City is able to restructure the Gap/Major Medical Supplement for additional cost savings)
This is a budgeted item.
 - B. Dental Insurance: Authorize Staff to execute a one-year contract with Cigna. This is a budgeted item.
 - C. Vision Insurance: Authorize Staff to execute a four-year contract with EyeMed (benefit 100% employee paid.) This is a budgeted item.
 - D. Life Insurance: Authorize Staff to execute a four-year contract with Standard Insurance Company. This is a budgeted item.

Staff Representative: Natalie McClenahan, PHR, SHRM-CP, MPA
Recommendation: Approve
3. Consider severing or renegotiating the City's existing contract for legal services
Commission Representative: Commissioner Ben Malik
Recommendation: Discuss
4. Discuss a proposal to have future city contracts negotiated by City Manager and/or staff and eliminate Commissioner involvement, other than in an advisory capacity.
Commission Representative: Commissioner Ben Malik
Recommendation: Discuss

K. ADJOURNMENT

SPECIAL ANNOUNCEMENTS: Community Events

- ✓ Cocoa Beach Farmers Market Open Sundays from 9am to 3pm
- ✓ Friday Fest – Downtown Cocoa Beach – third Friday of the Month - 6pm – 10pm

CITY MEETING CALENDAR – For Details check Calendar at www.cityofcocoa.beach.com (Government Tab)

1 st and 3 rd Thursday of Month	City Commission	7:00 PM
1 st Monday of Month	Planning Board	5:30 PM
1 st and/or 3 rd Thursday of Month	Community Redevelopment Agency	6:00 PM
2 nd Monday of Month	Land Management Committee	6:00 PM
2 nd Thursday of Month	Leisure Services Advisory Board	9:00 AM
Called Upon Demand	Police and Fire Pension Boards	3:00 PM
Called Upon Demand	General Employee Pension Board	3:00 PM
3 rd Wednesday of Month	Board of Adjustment Meeting	5:15 PM
3 rd Monday of each month	Library Board (meets at Library)	5:30 PM
	Sustainability Committee	

**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES
November 3, 2016**

A. MEETING CALLED TO ORDER

Mayor Tumulty called the meeting to order at 7:00 PM.

- Invocation offered by Father Scott Holcombe, St. David's By the Sea Episcopal Church
Due to the absence of Father Holcombe, Commissioner Williams lead the invocation.

- Pledge of Allegiance

- Roll Call

Commission Members Present:

Commissioner Ben Malik
Commissioner Ed Martinez
Commissioner Skip Williams
Vice-Mayor Mike Miller
Mayor Tim Tumulty

Administrative Members Present:

Assistant City Attorney Marsha Segal George
Acting City Manager Charles Holland
City Clerk Loredana Kalaghchy
Development Services Director Zach Montgomery
Marketing Director Melissa Byron
Program Manager Rob Strong
Human Resources Director Natalie McClenahan

B. APPROVAL OF THE AGENDA:

MOTION BY WILLIAMS/MALIK

I MOVE TO APPROVE THE ORDER OF BUSINESS REFLECTED ON THE AGENDA, WITH THE EXCEPTION OF PULLING ITEM H2.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

C. SPECIAL PRESENTATIONS AND COMMITTEE REPORTS - Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.

1. Presentation by Environmentally Endangered Lands Program (EEL) representative on the Restoration Status of the South Thousand Islands Representative: Mike Knight, EEL Program Manager

ITEM C1-South Thousand Islands

The City Attorney read the item.

Mr. Mike Knight reported on the final restoration phase of the South Thousand Islands. He introduced Mr. David DeMeyer as the Land and Project Manager. He explained that this phase of the project was important and the most visible from across at Ramp Road. He reported on the Islands' acquisition history, where the funds came from to purchase the Islands, the EEL's Mission and goals, Florida Community Trust's goals, ecological goals for the Islands, and showed the location of the Islands. He reported on the restoration status, explaining that there were three phases, which started in 2009. He reported on phase 3 of the project. He reported that this phase of the project

**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

would be commencing on November 28. He reported on the equipment that would be used. He noted that undesirable trees will be cut and will be burnt. He noted that there was a fairly good amount of native vegetation on the Islands. He explained that, at a minimum, 100 plants will be planted and are of eight species. He reported on upcoming projects, noting that the dock and a kayak ramp on the North Crawford Island had been done. He also noted that what was being worked on was a new trail and overlook.

Mayor Tumulty thanked Mr. Knight for the presentation.

At inquiry by Commissioner Williams on the funding of the dock, Mr. Knight explained that this was an Eagle Scout project that included fundraising. He noted that funding not covered would be paid by EEL. He distributed brochures about Australian Pines.

At inquiry by Commissioner Malik if there would be replanting, once the Australian Pines are removed, Mr. Knight confirmed the replanting.

D. PUBLIC COMMENTS

Ms. Angela Richards commented on the changing of traffic signal timing on SRA1A, during the road resurfacing project. She noted that cars build up with the red lights not changing efficiently. She inquired about a chair that had been donated to the City by a resident and asked that it be returned to the Commission room.

Mr. John Dillon thanked the City public safety departments for the service rendered during the last hurricane.

Ms. Mitzi Kremer Tighe, representing the Space Coast Aquatic Swim Team, noted that the team started with the coaches from Cocoa and Cocoa Beach High School, created for kids to swim. She noted that she and coach Mary Hoyt, in creating the team, were offering an alternative, at less cost and scholarships. She reported on the success of the team. She reported on the hours offered by the Cocoa Beach pool, for team training, seven to eight on Wednesday evenings and four to five on Fridays evenings. She reported on an altercation that occurred at the pool, two weeks prior, between the team's coach and another coach. She noted that since then, the team's hours were moved to 8:30-9:30pm on Wednesday. She noted that the pool hours offered, were no conducive, and proposals for different hours were not acknowledged by the City. She was of the opinion that the team was an extension of Cocoa Beach high school. She noted that Ms. Mary Hoyt and she were Olympians. She noted that she was not sure what to do next.

Ms. Carol Perrera asked that the Space Coast Aquatic Swim Team receive the same consideration as other teams. She reported on the verbal agreement with the City to use the City pool, and noted that she was not sure who on Staff was to write a contract. She noted that the high school team had 50 kids, who were Cocoa Beach residents, who wanted to move to the next level of swimming. She noted that the Team had district champs and a break in training was a big deal. She asked that a program schedule to be put in place, as soon as possible. She explained that the group present at the meeting was in support of the team and that it included two former Olympians.

Ms. Jenny Woveran (phonetically spelled) reported on issues with a swim coach of a team that was not local. She reported on aggressive and hostile behavior and noted that she had a problem with

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

City allowing that type of behavior. She noted that she hoped that something would come, from this discussion. She noted that she had reported the behavior a year prior, and the situation had not become better.

Mr. Steve Gilmer, coach of the Tsunami swim team, reported on the team's membership. He noted that he had been coaching for over 30 years and that he was a competitive swimmer. He noted concern for the competition for pool time, and for swimmers. He noted that in a community this size, there was a ceiling to the number of swimmers who undergo training. In his opinion, that was the reason there was competition between programs, and it could become unpleasant. He noted that the Space Coast Aquatic Team presented competition for his team. He noted that he had coached many kids and had success. He noted that his team had been at the pool the longest and gives up their swim time for the high school. He noted that his team's practice time had been earned with a three-year history of the team.

E. STAFF REPORTS AND ANNOUNCEMENTS:

Mr. Holland reported on the hurricane damage costs, noting that to date, it amounted to one million and three thousand eight hundred dollars. He noted that this was an estimate and that the City's insurance company has not provided their estimate. He noted that he was not sure how much of the cost the City would need to absorb. He noted that the largest cost was for debris. He reported that the City was reusing the grinder for the vegetation and that it was estimated that by November 15 everything would be ground up. He reported that FDOT was working on two projects in town, and that the SRA1A traffic had been reduced to one lane. He noted that road strip was being worked on for street repair, a sidewalk and for hurricane debris pickup. At inquiry by Mayor Tumulty, the City Manager explained that FDOT was picking up debris off State Road A1A. Mr. Holland explained that FEMA had opened a disaster recovery center in Titusville, since most of hurricane damage had been incurred in Titusville. He reported on phase 1 of the dredging project and the 200 channel dredging project. He noted that the City gave the contractor an extension, with no increase in cost, because of the time wasted due to the hurricane. Mr. Holland explained that phase 2 of the dredging project was expected to start on November 17. Mr. Holland reported on the Minutemen Causeway streetscape project noting that the block in front of City Hall was to open to traffic by November 15. He noted that a meeting on the next phase of the project, blocks 4 and 5, was planned for November 7. He noted that as of now, milling of blocks 4 and 5 was scheduled for November 16. He noted that following a meeting held on the next phase, City Staff would be meeting with the contractor the following Tuesday to discuss possible delay of the next phase. He explained that Staff would also be inquiring on impacts on grant funding, if the project was delayed. He noted that delaying the next phase of the project might involve loss of grant funds. He noted that concerns expressed at the meeting on the next phase, were being taken seriously.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS:

There was no City Attorney report.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS:

Vice-Mayor Miller reported that he volunteered to serve on the Energy and Environmental Legislative Committee for the Florida League of Cities. He explained that the role of the Committee was to list legislative policies, to be pursued, that would benefit municipalities. He explained that the reason for volunteering was because of his interest in the Indian River Lagoon. He reported that the Committee met on October 28, listed 6 potential issues, with water quality being the highest in priority, statewide. He noted that the Committee would be meeting again on December 8.

**CITY OF COCOA BEACH, FLORIDA
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Commissioner Williams was of the opinion that discussion on the pool scheduling needed to be an agenda item, accompanied with suggestions by the City Manager. He noted the need to address capacity, and explore options. Commissioner Martinez concurred.

Commissioner Martinez reported on his attendance at a meeting on the Minutemen Causeway streetscape project, for blocks 4 and 5. He suggested looking at that phase of the project that included the milling of the street for both blocks. He suggested the need to do one block at a time, and noted that a change in the project was worth investigating.

Mayor Tumulty pointed out that the plans for the next phase included milling block 5 first. He noted that a change in the project staging could cost up to \$100,000 change in cost. Acting City Manager Holland explained that Staff heard the business concerns and would investigate alternatives. Mayor Tumulty noted that he also had attended project meetings, and in his opinion, a change to the project would slow the project down, pointing out that the planning was complicated. Commissioner Martinez suggested the need to explore changes, including dollar impacts.

Commissioner Malik pointed out that block 3 of the project would soon be open for traffic.

Commissioner Malik reported that he had received an e-mail from former Mayor Beeler noting the potential of a grant for the proposed community paramedic program.

Commissioner Malik referred to comments made under the public comments section of the agenda. He noted that, in his opinion, access preference to the community pool, should be given to Cocoa Beach residents.

Mayor Tumulty was of the opinion that the City's pool had not reached capacity. In his opinion, the conflicts started with one swimming coach, which caused a reaction to only allow one swim team to use the pool at a time. He noted that such arrangements have causes problems, inconvenience, and were not conducive for the kids. He suggested getting some of the teams together to swim at the same time. He suggested the need to figure out a schedule, while not giving any one team preferential treatment. He noted displeasure that the situation had escalated at that level. He suggested making the discussion, an agenda item. In his opinion, the issues seemed simple to fix, without Commission involvement.

Mayor Tumulty reported on the winnings of the Cocoa Beach Girls Golf Team.

Commissioner Williams concurred with placing a resolution to the pool issues, as an item on the next agenda. He noted the need to have equitable arrangements for the teams.

H. CONSENT AGENDA

The City Attorney read item 1 of the Consent Agenda.

MOTION BY MALIK/MARTINEZ

I MOVE TO APPROVE THE CONSENT AGENDA, MINUS ITEM 2.

1. Approve the October 20, 2016, Commission Meeting Minutes Staff Representative: City Clerk
Department Recommendation: Approve
October 20, 2016 Commission Minutes

November 3, 2016

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**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES**

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

2. Request to decline the offer made on October 20, 2016, from E Lifeguard Inc. for flotation devices & rescue stations; this is not a budgeted item. (Item added to Agenda on October 31, 2016) Staff Representative: Charles H. Holland Jr., CGFO, Acting City Manager Recommendation: Decline Offer
Item H2 - Memo
Item H2 - FMIT Letter
Item H2 - BCFR Letter
The City Attorney read the item.

Mayor Tumulty pointed out that the Commission had received a presentation on the device at the October 20th meeting. He pointed out that City Staff was suggesting that the City decline the offer.

Acting City Manager Holland explained that the supporting documentation to the agenda item noted the reason for the suggestion to decline the gift offer. He explained that he received a letter from the Brevard County Fire Rescue and the City insurance courier. He noted that the Brevard County Fire Rescue expressed concern on not having control on who uses the equipment. They recommended that if there was a swimmer in difficulty, that a lifeguard be flagged or calling 911. Mr. Holland explained that the City's insurance courier had also submitted their opinion of the liability associated with the stations. Mr. Holland noted that the City Attorney was also asked to weigh in and City Attorney mentioned to him a case in Miami where the City was penalized for creating usage of lifesaving equipment. Mr. Holland noted that the City did not have staff to check, replace missing equipment and make sure the equipment remains in good condition. He noted that his recommendation was to decline.

Commissioner Martinez noted that he disagreed with Mr. Holland about liability. He referred to the letters in the packet. He noted that the lifeguard could be considered liability if people drown when swimming next to a lifeguard.

It was pointed out that the price of the floatation device was \$150 each.

Commissioner Williams noted that access to AEDs could also be considered a liability. He noted that the program could be managed by volunteers, and in a similar format as adopt a shoreline. In his opinion having the equipment was an intangible benefit and the City would receive good press, if a life is saved. He noted that he was willing to move forward with accepting the equipment, noting that in his opinion, the program would be manageable.

Mayor Tumulty noted that the devices were a simple solution to rescue. He noted that he liked the idea.

Commissioner Martinez noted that he used to teach drown proof training. He noted that he would rather have the device present.

Vice-Mayor Miller noted concern for the devices. He inquired if the company had sought endorsement that the devices were lifesaving.

Commissioner Martinez noted that he called Marine City; Marine City noted that they have had

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**CITY OF COCOA BEACH, FLORIDA
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positive experiences using similar floatation devices.

Mr. Gerald Sporse (phonetically spelled) noted the income generated by tourism. He noted that a lifeguard job is to take the float out so that a rescue can be done. He noted the need to not understate the importance of floatation.

Mr. Mike Rogers reported on his involvement with Mr. Wyatt Warneth and the lifesaving community. He noted that he had been a lifeguard for years and that this floatation technology was what he wished had been available in the past. He noted that he was surprised at the lack of rescue devices available in Florida beaches. He noted that this was a pilot program for Cocoa Beach and that he was happy to provide the equipment and support for the project.

Mr. Wyatt Warneth noted that in his opinion, the liability and drowning can be prevented. He noted that the mission of lifeguard services was to get as many lifeguards as possible. He presented an article on floatation devices.

At inquiry by Vice-Mayor Miller on how the floating devices would be anchored, Mr. Warneth noted that he could work with the City Utility Department for a better setup than what was being displayed at the meeting.

Mr. John Hughes, Florida Surf Museum, noted that he had used a floatation device, a surfboard, to rescue swimmers in distress. He endorsed the City implementing a program.

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO PURSUE THE OFFER MADE ON OCTOBER 20, 2016, FROM E LIFEGUARD INC. FOR FLOATATION DEVICES AND RESCUE STATIONS.

Commissioner Martinez suggested featuring videos in hotels on how the floating devices work. He noted that videos are a way to get the message to visitors. He pointed out that if the floating device was stolen, there would be prosecution.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

I. ITEMS REMOVED FROM THE CONSENT AGENDA

Item 2 was removed from the Consent Agenda for discussion. The item remains in the minutes as reflected on the agenda.

J. NEW BUSINESS

The City Attorney read item 1.

1. Approve associated contracts for a Health Clinic. As a way to provide a high level of service to City employees, and contain/ control costs of health insurance, the City wishes to pursue an Employee Health Center ("Health Clinic"). This Health Center would allow the City to offer benefits, while redirecting claim and generic pharmaceutical experience away from the major medical health insurance plan. This is a budgeted item.
Authorize Staff to execute a three-year (multi-year):

- J1.1 Interlocal Agreement between the Cities of Cocoa, Cocoa Beach, Rockledge, and Satellite Beach to cost share Employee Health Center services. This arrangement will allow the City to offer a clinic, at

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two locations, with increased hours and services at a lower price point.

- J1.2.Contract with CareATC, to provide an Employee Health Center ("Health Clinic"). Employees and their dependents will be able to use the Clinics' two locations Cocoa and Satellite Beach.

Staff Representative: Natalie McClenahan, PHR, SHRM-CP, MPA Recommendation: Approve

ITEM J1-Employee Health Clinic

ITEM J1-Interlocal Agreement Health Clinic

ITEM J1-Clinic Partnership Costs and Schedule

The City Attorney read item 1 and 2.

Human Resources Natalie McClenahan presented Mr. Shawn Fleming with The Gehring Group, the City's Agent of Record and Employee Benefit Broker, noting that items J1 and J2 would be presented together.

Mr. Shawn Fleming, Gehring Group, covered in his presentation, the employee health center partnership, the City's claim history, the request for proposal results for medical, dental, vision, life and disability insurances. He explained that the City was considering a health center in order to provide convenience and timely health care, while removing the cost barriers. He noted that the health center would be able to manage chronic conditions, and focus on preventive care. He noted that the center would allow for a reduction of claims, shifting them from the insurance courier to the medical center, thus reducing costs. He noted that medications would be shifted to the health clinic. He noted that the City's return on investment would be \$2 for \$1 spent on the health center. He explained that the initial discussions for the center was with the cities of Satellite Beach and Indian Harbour Beach. Later, determination was made that by partnering with the City of Cocoa, it would lower costs, by using the City of Cocoa's current health center location. He noted that a second proposed location for a clinic was Satellite Beach, location pending construction. He explained that using the health center was completely voluntary to the employees and that scheduling could be done online. He noted that the health center would have no copays or deductible expenses for the employees. He listed the services that would be offered at the health center. He showed a map that reflected where employees lived, for all four cities that are participating in the agreement. He noted that the interlocal agreement splits the costs of the clinic among the cities based, on population, and in future years, based on usage. He listed the agreement's clauses. He showed a video of testimonials offered by the City of Cocoa. Mr. Fleming referred to the City's claims history. He noted that an RFP was put out, where the City could save funds, with the usage of a health clinic. He explained that the total spending on claims was reviewed and divided by the number of employees in the plan. He noted that due to the wellness program, claims had decreased. He explained that the insurance companies look at loss ratio, and that at last year's renewal, the City was at 102%. Insurance companies look at 80-88% as a breakeven point. He noted that at this year's renewal, the City was at 78%.

Mr. Fleming explained that the goals of the Request For Proposal included costs, schedule of benefits, current schedule, and alternate schedule of benefits - lower deductible, network access and funding. He listed the three types of funding: fully insured, partially self-funded, self-funded. He explained that the City's request for proposal focused on partially self-funded arrangements. He noted that the two finalists' proposals were Cigna and Health First. He noted the differences between the proposals, concluding that Cigna's proposal was more beneficial and more competitive. He noted that a meeting on insurance was scheduled with employees. He recommended switching to Cigna and auxiliary coverages for dental, life insurance, disability and vision.

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Mayor Tumulty pointed out that Mr. Fleming and the City's Human Resources Director had met with each of the Commissioners, prior to the meeting.

Commissioner Malik noted that the healthcare industry was going towards managed care.

Mayor Tumulty noted that the change in insurance was being proactive and the way to go.

Ms. Angela Richard inquired about the change in the insurance plan. Mayor Tumulty noted that the proposed changes reduced medical rates. At inquiry by Ms. Richard, Commissioner Williams explained that the two clinics would not all be open at the same hours and days. Ms. Richards expressed concern about the shift of medications to alternatives.

Ms. Mary Jane Nail suggested that the approval of this contract be done following the Presidential election. She noted that the parties to the contract had changed from the initial discussions and pointed out that there were zero costs to the City of Cocoa. She did not approve providing additional healthcare, and for the City to get into the healthcare business. She suggested waiting for after the election to consider this item.

Ms. Karalyn Woulas pointed out that the Human Resources Director had started the process of evaluating insurance back in June. She noted that the details to the change had been researched expensively. In her opinion, the proposal was a cost strategy that provided easy access to medical coverage, while reducing insurance claims. He noted that she hoped the Commission would move forward with the proposal.

Mr. Mathew Ericson commented that what he had seen over the past years, the City having a balanced and pragmatic approach to employee healthcare. He thanked the Commission, Human Resources Director and City Staff for pursuing the proposal. He listed benefits for the change in insurance coverage.

Commissioner Williams explained that the Commissioners had one-on-one meetings with City Staff. He noted that mandates from the Presidential election would not come down on the City, immediately following the election it would take time. He noted that the proposed changes were within and under budget. He noted that the employees supported the changes and he also would support the changes.

MOTION BY WILLIAMS/MILLER

I MOVE TO APPROVE THE ASSOCIATED CONTRACTS FOR A HEALTH CLINIC TO INCLUDE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF COCOA, COCOA BEACH, ROCKLEDGE AND SATELLITE BEACH, AND A THREE-YEAR CONTRACT WITH CAREATC.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

2. Approve the proposed Fiscal Year 2017 City of Cocoa Beach employee benefit renewal agreements for medical, dental, vision, and life insurances, with associated providers.
- A. Major Medical Insurance: Authorize Staff to execute a one-year contract with Cigna. (Cigna projects savings based on the current claims and the City is able to restructure the Gap/Major Medical Supplement for additional cost savings)
This is a budgeted item.

**CITY OF COCOA BEACH, FLORIDA
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- B. Dental Insurance: Authorize Staff to execute a one-year contract with Cigna. This is a budgeted item.
- C. Vision Insurance: Authorize Staff to execute a four-year contract with EyeMed (benefit 100% employee paid.) This is a budgeted item.
- D. Life Insurance: Authorize Staff to execute a four-year contract with Standard Insurance Company. This is a budgeted item.
Staff Representative: Natalie McClenahan, PHR, SHRM-CP, MPA Recommendation: Approve

ITEM J2-Employee Benefit Renewal 2017

MOTION BY WILLIAMS/MALIK

I MOVE TO APPROVE THE FY 2017 EMPLOYEE BENEFIT RENEWAL AGREEMENTS WITH ASSOCIATED PROVIDERS.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Consider severing or renegotiating the City's existing contract for legal services Commission Representative: Commissioner Ben Malik Recommendation: Discuss
ITEM J3-Attorney contract
The City Attorney read the item.

Commissioner Malik mentioned that he had spoken with the Assistant City Attorney. He noted that he wished to table this item, until after the election. He noted that there was the ability to renegotiate the contract.

MOTION BY WILLIAMS/MILLER
I MOVE TO TABLE.

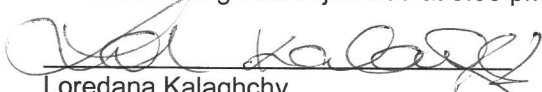
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

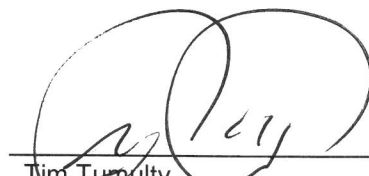
4. Discuss a proposal to have future city contracts negotiated by City Manager and/or staff and eliminate Commissioner involvement, other than in an advisory capacity. Commission Representative: Commissioner Ben Malik Recommendation: Discuss
ITEM J4-City Manager Approves Contracts
The City Attorney read the item.
MOTION BY MALIK/MILLER
I MOVE TO TABLE.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

K. ADJOURNMENT

The meeting was adjourned at 9:05 pm.


Loredana Kalaghchy,
City Clerk


Tim Turnulty
Mayor-Commissioner

City of Cocoa Beach

City Hall
2 South Orlando Avenue
Cocoa Beach, Florida 32931
www.cityofcocoa beach.com
www.golfcocoa beach.com



Meeting Agenda

October 20, 2016

7:00 PM

REGULAR MEETING

City Hall Commission Room

City Commission

Tim Tumulty, Mayor, Seat 1
Ed Martinez, Commissioner, Seat 2
Ben Malik, Commissioner, Seat 3
Skip Williams, Commissioner, Seat 4
Mike Miller, Vice-Mayor, Seat 5

City Staff

Skip Fowler, City Attorney
Charles H. Holland, Jr., Acting City Manager
Loredana Kalaghchy, City Clerk

Broadcasting of Meetings:

Live meeting broadcasts on: Bright House Networks-Channel 497, and www.cityofcocoabeach.com.
Report issues: IT Support Desk - 321 868-3319 – a recorded line, or “report a concern” via the City’s webpage.
Meeting Video Archives: www.cityofcocoabeach.com, under the Government tab.

Packets: Packets are on the city’s website (www.cityofcocoabeach.com) and at Commission Meetings

Rules of Order: Robert’s Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

✓ **Speaking Courtesy Rules:**

- The Commission accepts relevant comments
- A time limit of three minutes is imposed on each speaker.
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk’s office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TTY); or (800) 955-8770 (Voice); or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

- Invocation offered by Pastor Mark Reynolds - First United Methodist Church of Cocoa Beach
- Pledge of Allegiance
- Roll Call

B. APPROVAL OF THE AGENDA:**C. CEREMONIAL ACTIVITIES:**

1. Adopt the following Proclamations proclaiming:
 - a. The month of October, 2016, as "Dysautonomia Awareness Month"
 - b. The week of October 23-31, 2016, as "Red Ribbon Week"

D. SPECIAL PRESENTATIONS AND COMMITTEE REPORTS – Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.

1. Presentation on Life-Swimmer Tube Assist Rescue (STAR) System, a system used as a floatation device in rescuing a drowning
Representative: Wyatt Werneth

E. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

F. STAFF REPORTS AND ANNOUNCEMENTS:

1. Briefing on Hurricane Matthew by Acting City Manager Charles H. Holland, Jr., CGFO

G. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS:**H. CITY COMMISSION REPORTS AND ANNOUNCEMENTS:****I. CONSENT AGENDA**

1. Approve the September 15, 2016, and September 28, 2016, Commission Meeting Minutes
Staff Representative: City Clerk Department
Recommendation: Approve
2. Approve Amendment #1 to the Quentin Hampton Associates contract, augmenting the current Construction Engineering and Inspection (CEI) contract, to cover the additional time spent on the Minutemen Streetscape and Stormwater Improvement Project, in the amount of one hundred fifty thousand dollars (\$150,000). The additional costs will be funded by the State Revolving Fund (SRF) loan. This is a budgeted item.
Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager
Recommendation: Approve
3. Approve Resolution No. 2016-18 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, amending the 2017 Budget for projects not completed the prior fiscal year.
Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager and Eileen Clark, CGFO, CFO
Recommendation: Approve
4. Authorize the City Manager or designee to negotiate a contract with Darrell's Docks, Inc. for the Dempsey Park Seawall Project (CB16-005) and if not successful, to negotiate a contract with Cal-Tech Testing, the second-ranked firm. The project was budgeted at \$100,000 in FY 2017. Additional funds may be taken from the Public Works Budget.
Staff Representative: Wayne Carragino, Project Manager, Public Works
Recommendation: Approve

5. Approve the application to pursue \$50,000 in grant funding from Florida Department of Environmental Protection (FDEP), Florida Recreation Development Assistance Program (FRDAP), for the completion of recreational amenities at the Maritime Hammock Preserve. Funds have been carried forward into FY17 for the improvements to the Preserve, as matching funds for the grant.
Staff Representative: Joanie Regan, Stormwater Program Coordinator
Recommendation: Approve
6. Authorize Staff to execute an amendment to the Interlocal Agreement for Traffic Signal Maintenance, with the Board of County Commissioners of Brevard County, extending the contract term from November 9, 2016, to November 9, 2017, and automatically extend for additional one-year periods, unless parties are notified of the intent to cancel or modify the Agreement. This is a budgeted item.
Staff Representative: Robert Torres, Public Works Director
Recommendation: Approve
7. Adopt Resolution No. 2016-27 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, referring to permits needed to repair structures that were damaged by Hurricane Matthews, rescinding and waiving certain permit fees for repairs and reconstruction of damaged structures, for a period of sixty days and an additional thirty days if deemed needed by the City Manager; providing for an effective date.
Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager
Recommendation: Approve
8. Adopt Resolution No. 2016-28 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, authorizing the City Manager to declare the need to waive permit fees for damage caused by hurricanes, in order to expedite and facilitate repairs and reconstruction of damaged structures. The waiver period shall last sixty days following a hurricane, and an additional thirty days, if deemed needed; providing for an effective date.
Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager
Recommendation: Approve
9. Authorize Staff to enter into a lease agreement for City property located at 870 S. Orlando Avenue, Cocoa Beach. The one-year lease would be between the City and the contractor for use as a staging site to facilitate FDOT projects in Cocoa Beach.
Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager
Recommendation: Approve
10. Approve the purchase of new Musco sports lighting for Field #1 (High School baseball field) in the amount of \$143,355. The City is piggy-backing on Clay County bid #13/14-8. (Item added to Agenda on 10-20-16)
Staff Representative: Bob Torres, Public Works Director
Recommendation: Approve"

J. ITEMS REMOVED FROM THE CONSENT AGENDA

K. NEW BUSINESS

1. Consider providing an opinion to the U.S. Board of Geographic Names (BGN), concerning the naming of the 45-mile-long barrier island, from an unnamed status to "Brooks Island." The BGN is responsible for standardizing geographic names for use by the departments and agencies of the Federal Government. The BGN has received a proposal to apply the new name of Brooks Island to the 45-mile-long barrier island that extends from the Canaveral Barge Canal to Sebastian Inlet. Harry J. Brooks (1903-1928) - a test pilot for Henry Ford, crashed into the ocean, east of the island, during a race between Michigan and Miami.
(Past naming requests: In 2011 and 2012, three names for the unnamed island were proposed to the BGN: Ais Island, Ponce de Leon Island, and Coacoochee Island. Due to a lack of local consensus, the BGN did not approve any of these proposals. The island remains officially unnamed.)
Representative: City Commission

Recommendation: Commission decision (Approve the Proposed Name, Reject the Proposed Name, (Take Action as Specified, or Render a Decision Without Recommendation)

L. ADJOURNMENT

SPECIAL ANNOUNCEMENTS: Community Events

- ✓ **Cocoa Beach Farmers Market** Open Sundays from 9am to 3pm
- ✓ **Friday Fest** – Downtown Cocoa Beach – third Friday of the Month - 6pm – 10pm

CITY MEETING CALENDAR – For Details check Calendar at www.cityofcocoa.beach.com (Government Tab)

1 st and 3 rd Thursday of Month	City Commission	7:00 PM
1 st Monday of Month	Planning Board	5:30 PM
1 st and/or 3 rd Thursday of Month	Community Redevelopment Agency	6:00 PM
2 nd Monday of Month	Land Management Committee	6:00 PM
2 nd Thursday of Month	Leisure Services Advisory Board	9:00 AM
Called Upon Demand	Police and Fire Pension Boards	3:00 PM
Called Upon Demand	General Employee Pension Board	3:00 PM
3 rd Wednesday of Month	Board of Adjustment Meeting	5:15 PM
3 rd Monday of each month	Library Board (meets at Library)	5:30 PM
	Sustainability Committee	

**CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION MEETING MINUTES
October 20, 2016**

A. MEETING CALLED TO ORDER

Mayor Tumulty called the meeting to order at 7 pm.

- Invocation offered by Pastor Mark Reynolds - First United Methodist Church of Cocoa Beach

- Pledge of Allegiance

- Roll Call

Commission Members Present:

Commissioner Ed Martinez

Commissioner Ben Malik

Commissioner Skip Williams

Vice-Mayor Mike Miller

Mayor Tim Tumulty

Administrative Members Present:

City Attorney Skip Fowler

Acting City Manager Charles Holland

City Clerk Loredana Kalaghchy

Program Manager Rob Strong

Public Works Project Manager Wayne Carragino

Public Works Director Robert Torres

Water Reclamation Operations Manager Scott Barber

Development Services Director Zach Montgomery

Chief Financial Officer Eileen Clark

Fire Chief Ryan Duckworth

B. APPROVAL OF THE AGENDA:

Mayor Tumulty related the requests to pull Consent items 2, 4, and 5, from the agenda.

MOTION BY MILLER/MARTINEZ

I MOVE TO APPROVE THE AGENDA, WITH THE EXCEPTION OF PULLING ITEMS 2, 4, AND 5 FROM THE CONSENT AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

C. CEREMONIAL ACTIVITIES:

1. Adopt the following Proclamations proclaiming:

a. The month of October, 2016, as "Dysautonomia Awareness Month"

Dysautonomia Awareness Proclamation

b. The week of October 23-31, 2016, as "Red Ribbon Week"

Red Ribbon Proclamation

Mayor Tumulty read the Proclamation titles.

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Marketing Director Melissa Byron offered the Commissioners tee-shirts for breast cancer awareness, presented on behalf the Women of Wuesthoff Hospital.

- D. SPECIAL PRESENTATIONS AND COMMITTEE REPORTS - Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.
1. Presentation on Life-Swimmer Tube Assist Rescue (STAR) System, a system used as a floatation device in rescuing a drowning Representative: Wyatt Werneth
Life Swimmer Tube Assist Rescue Presentation

Mr. Wyatt Werneth presented a floatation safety device that could be used to assist drowning people. He offered a PowerPoint presentation reflecting the use of the device. He listed the objectives for installing the devices. He noted that what was being proposed was a pilot safety program. The company that manufactured the devices wants Cocoa Beach to be the pilot. He suggested that the devices be installed at stub-end streets, at 35 locations. He reported on the drowning statistics, going back to 2007. He pointed out that the City had limited lifeguards service, and that the floatation devices would be supplemental. He noted that there were four lifeguard-protected locations, out of the 35 beach accesses. He pointed out that citizen rescuers were untrained, and had no floatation devices to use in rescues. He related a past drowning, that occurred in an attempt to save a swimmer. He explained that his intentions of promoting the devices to the hotels, schools and the community. He noted that the manufacturing company wished to give the devices to the City. He explained that a penalty could be imposed should the devices be stolen.

Commissioner Martinez stated that the devices got his attention, and applauded the product. He noted that he was taught drown-proof training. In his opinion, the device was a great idea that could be used by people who could not swim, but could cast the device to save a life.

At a motion by Commissioner Martinez to have the City possibly install the floatation device at stations; Mayor Tumulty suggested placing the item on the agenda for the first meeting in November.

E. PUBLIC COMMENTS

Mr. Casey Roberts thanked the City for the leadership during hurricane Matthew. He noted that he respected the City's Police. He stated that he was against locating the new police station at Fischer Park, and presented a petition signed by seventy residents. He noted that he supported the construction of the station, but not within the boundaries of Fischer Park.

Ms. Janice Scott reported on storm surge education, she received from a FEMA representative. She referred to Hurricane Katrina as an example of storm surge damage. She noted the need in the future to suspend alcohol sales following the issuance of an evacuation. She noted that the City dodged the bullet with Hurricane Matthew.

Mrs. Mary Jane Nail reported on the candidate forum held at Surfanista. She reported on her care of an injured bird. She referred to damage to her house, incurred by Hurricane Matthew. She suggested that an exercise trail be constructed at Fisher Park.

Ms. Harriett Ferish noted that two candidates did not attend the Citizen's Action Committee forum. She suggested that those candidates answer questions. She asked Commissioner Malik about his work place association. She related concern about the upcoming vote for Mayor. She inquired if Mr. Martinez, while visiting Australia, noticed their efforts to protect the wilderness. She

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referred to the development growth of SRA1A and SR 520. She referred to her efforts to save the tradition of holding the Space Coast Art Festival in Cocoa Beach. She offered her opinion on who to support in the November election, for Clerk of Court.

Mr. Scooter Newell noted that he was the past operator of the City's skateboard park. He noted that the skateboard park was not open because of an insurance laps. He reported that a year prior, insurance costs went up by 400%. He noted that the City had agreed to reimburse the cost. He noted that this did not occur, and that the City requested of him, proof of insurance. He noted that the skateboard park was not open because the insurance was too high. He asked that the City consider incurring the insurance costs, noting that kids need the park. He noted that he wished to continue to run the park, even if he had submitted a letter stating that he no longer wished to run the park. He noted that he was losing money for the past three years. He asked the City to consider finding the dollars to fund the park.

F. STAFF REPORTS AND ANNOUNCEMENTS:

1. Briefing on Hurricane Matthew by Acting City Manager Charles H. Holland, Jr., CGFO

Acting City Manager Charles Holland offered a presentation that reflected Hurricane Matthew's sequence of events and included the mandatory evacuation, to storm-related property damage. He listed City-owned property that had incurred damage. He noted that there were 141 residential and businesses structures that incurred damage, with 9 having major damage. He listed lessons learned. He confirmed that computer cloud-based software was the answer. He noted the need for better coordination with the Brevard County's Emergency Operations Center. He noted that the City was working with insurance and FEMA to assess the costs of the event; the process was expected to last up to five months. He noted that FEMA did not have a physical office in the City. He reported on the debris removal. He referred to water, reentry into the City, and sewer issues that arose due to the hurricane. He noted the importance to evacuate early. He encouraged people to subscribe to Alert Brevard and CBNN. He reported on the dredge projects, noting that they were proceeding. He reported that the upland seawall at the golf course worked as it was planned. He reported that the newly-launched City Facebook page, had received 561 likes; the page was released following the adoption of a communication policy. He reported on the Minutemen Causeway project, noting that this phase was planned for completion by November 15, in time for the Cocoa Beach Art Show. He reported that the completion of the Minutemen Causeway project was planned for April 2017.

Commissioner Williams referred to the management of the skateboard park. He noted that the City Manager informed the Commission about the City's receipt of Mr. Newell's letter, withdrawing from the skateboard park operation. Commissioner Williams noted that Mr. Newell was willing to rescind the letter, and carry on with the management of the park. He noted that it was within the Staff's expenditure cap, to pay for the insurance bill. He suggested obtaining Commission consensus on the issue.

Acting City Manager Holland suggested that Mr. Newell make an appointment with staff, to discuss the skateboard park.

Commissioner Miller suggested moving forward, so long as there was documentation.

Mayor Tumulty noted that he agreed with the suggestion, explaining that he understood it to be the City's responsibility to pay for the insurance. Acting City Manager Holland suggested not getting

**CITY OF COCOA BEACH, FLORIDA
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into publicly discussing this issue. He noted that the City was being asked to insure another operation at the skateboard park. He noted that he would rather not discuss the subject in public. Mayor Tumulty referred to the City's contributions to the tennis court contract, pointing out that skateboarding took care of the kids in the community. He suggested the need to incorporate the same processes for all City facility contracts. He noted the need to have more conversation on contracts. He suggested that Staff take care of the insurance costs.

Commissioner Malik pointed out that the skateboard park was a City amenity, like others that are subsidized. He noted that the alternative was for kids to skate in the town. He noted that he was willing to put some funds in the skateboard park.

Commissioner Martinez was of the opinion that the skateboard park operator provided more than just the management of the skateboard park. In his opinion, the City owed it to him to look at the contract, and make the situation right.

Mayor Tumulty noted the need to have a conversation. Commissioner Miller suggested empowering the City Manager, under the terms of the contract, and that if there needed to be adjustment the contract, it could be brought up for discussion.

Mayor Tumulty reported on the management of hurricane Matthew's operations. He complimented Staff for taking a pro-active approach with the Emergency Operations Center. He narrated the series of events leading, during, and after the storm. He commended the City Staff, FPL, the Governor and everyone involved.

Mayor Tumulty referred to the after storm cleanup. The Acting City Manager pointed out that FEMA requires that the removal of debris and the monitoring of the removal, be conducted by separate companies. He noted that debris removal will take six weeks. City Staff was tasked at looking at the debris that was left in the canals. He noted that a meeting was schedule with FEMA the following week, and that the rules would be disclosed.

Commissioner Williams pointed out that the City had in reserves, three months of funds, in the event of an emergency.

Mayor Tumulty referred to Resolutions No. 2016-27 and 2016-28, reflected under the Consent Agenda, waived building permit fees for damage due to hurricanes.

Commissioner Miller thanked the Mayor for staying in the City with Staff for Hurricane Matthew. He noted that he appreciated City management, pointing out the difficulty to train staff for an event that happens once a decade.

G. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS:

There was no City Attorney report.

H. CITY COMMISSION REPORTS AND ANNOUNCEMENTS:

Commissioner Martinez thanked the staff for facilitation communications with the City, while he was in Australia. He thanked the Staff for handling the hurricane and the Mayor for staying in the City. He noted that the City was lucky of no injuries or destruction.

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Commissioner Malik pointed out the danger of staying in the City during a hurricane. The neighboring cities to the north were not as fortunate as Cocoa Beach. He noted that St. Augustine was under water during the hurricane. He noted that he was proud of the City Staff and the Mayor for the emergency response. He noted that he was glad the City now had a Facebook page. He acknowledged comments made at this meeting, under public comment, mentioning that his interests lay in the community. He explained that the bank he worked for was going to be acquired at the end of the month and would become a publicly-traded company. He noted that none of the bank directors within the new entity lived in Cocoa Beach. He noted that his actions were based on facts and figures, and not predicated by his employment. He noted that he had been in the banking industry for the past twenty years. He noted that the decisions he made were for the benefit of the City.

Mayor Tumulty reported on the Cocoa Beach girls' golf league and their advancement to the State tournament. He complimented the Staff for cleaning the golf course, following the hurricane. He reported on speaking to Our Saviour's School 2nd, 5th 6th and 7th graders, the day prior.

Commissioner Malik announced upcoming community events: Our Saviour Church fair and Friday Fest.

I. CONSENT AGENDA

The City Attorney read the Consent Agenda minus items 2, 4 and 5, which were pulled for discussion.
MOTION BY WILLIAMS/MALIK
I MOVE TO APPROVE THE CONSENT AGENDA.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

1. Approve the September 15, 2016, and September 28, 2016, Commission Meeting Minutes Staff Representative: City Clerk Department Recommendation: Approve
September 15, 2016 Minutes
September 28, 2016 Minutes
2. Approve Amendment #1 to the Quentin Hampton Associates contract, augmenting the current Construction Engineering and Inspection (CEI) contract, to cover the additional time spent on the Minutemen Streetscape and Stormwater Improvement Project, in the amount of one hundred fifty thousand dollars (\$150,000). The additional costs will be funded by the State Revolving Fund (SRF) loan. This is a budgeted item. Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager Recommendation: Approve
Quentin Hampton Contract - Amendment 1
Quentin Hampton Memo
Letter from Quentin Hampton
The City Attorney read the item.
MOTION BY WILLIAMS/MALIK
I MOVE TO APPROVE I MOVE TO APPROVE AMENDMENT #1.

Ms. Angela Richards inquired if the additional costs were due to the hurricane, and if the costs should be covered by FEMA, instead of a loan.

Acting City Manager Holland explained that the delay was not due to the storm, and was caused by the coordination among utilities. He noted that the completion date of the project was expected to be

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April 2017. He explained that Quentin Hampton had spent more time and effort that originally expected. He explained that the project was under budget, even with the amendment to the contract.

Commissioner Williams elaborated that there were unforeseen conditions, with the project needing additional contractor time. He noted that such expenses were expected in this type of project. He noted that he would support the amendment.

Commissioner Martinez noted that there are delays with projects, and the City needs to adjust for the delays.

Ms. Mary Jane Nail noted that there had been complaints by the businesses affected by the project. She noted that a good plan offers incentives for completing the project early.

Commissioner Miller pointed out that Quentin Hampton was not the contractor for the job; the firm was a consultant to the City.

Commissioner Martinez noted that he was one of the businesses that were impacted by the project. He noted that the businesses were not complaining to him, knowing that the project was for the greater good.

Commissioner Malik pointed out that the contract included a provision for penalty, if the contractor did not finish the project on time. He pointed out that the project was under budget.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Approve Resolution No. 2016-18 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, amending the 2017 Budget for projects not completed the prior fiscal year. Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager and Eileen Clark, CGFO, CFO
Recommendation: Approve
ITEM I3-Res. 2016-18 Carryover FY 2017 (Added 10-17-16)
ITEM I3- Memo - Carryover Projects from 2016 to 2017 Budget (Added 10-17-16)
4. Authorize the City Manager or designee to negotiate a contract with Darrell's Docks, Inc. for the Dempsey Park Seawall Project (CB16-005) and if not successful, to negotiate a contract with Cal-Tech Testing, the second-ranked firm. The project was budgeted at \$100,000 in FY 2017. Additional funds may be taken from the Public Works Budget. Staff Representative: Wayne Carragino, Project Manager, Public Works Recommendation: Approve
Dempsey Park Seawall Memo

The City Attorney read the item.

Ms. Janice Scott noted that she was aware of the City's bid process. She noted objection to the City not establishing a policy to sanction contractors for poor performance, including not allow them to bid on City projects. She explained how this contract got rid of pilings without taking them to the dump. She pointed out that the contractor's property was not environment sensitive with sand

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from the property going down the drain.

Commissioner Williams noted that the bidder scored the highest, and presented the lowest price. He noted that if there were issues with the contractor as far as code violations, the City should enforce.

MOTION BY WILLIAMS/MALIK

I MOVE TO APPROVE NEGOTIATING A CONTRACT WITH DARRELL'S DOCKS INC. FOR THE DEMPSEY PARK SEAWALL PROJECT.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

5. Approve the application to pursue \$50,000 in grant funding from Florida Department of Environmental Protection (FDEP), Florida Recreation Development Assistance Program (FRDAP), for the completion of recreational amenities at the Maritime Hammock Preserve. Funds have been carried forward into FY17 for the improvements to the Preserve, as matching funds for the grant. Staff Representative: Joanie Regan, Stormwater Program Coordinator Recommendation: Approve FDAP Grant for Maritime Hammock
The City Attorney read the item.

Ms. Angela Richards inquired about the type of recreational amenities that were planned, if the grant was received. She noted that the City had in the past filed for a grant to fix the Maritime Hammock Preserve.

Acting City Manager Holland explained that this was a budgeted item, carried over from the previous year, in order to apply for matching grant funds. He noted that the City needed to apply each year for the grant, until approved. He listed the amenities that were proposed, should the grant be approved.

Commissioner Williams pointed out that budgeted funds could be rolled over year-after-year, until grant funds are received. He suggested that, in the future, a depiction of the amenities be included with the meeting packet.

MOTION BY MARTINEZ/MALIK

I MOVE TO APPROVE PURSUING THE GRANT.

Ms. Janice Scott explained that when the grant for the Maritime Hammock had been discussed in the past, there were suggestions to installing restrooms. She noted that the residents of Cocoa Isles do not want restrooms at the park.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

6. Authorize Staff to execute an amendment to the Interlocal Agreement for Traffic Signal Maintenance, with the Board of County Commissioners of Brevard County, extending the contract term from November 9, 2016, to November 9, 2017, and automatically extend for additional one-year periods, unless parties are notified of the intent to cancel or modify the Agreement. This is a budgeted item. Staff Representative: Robert Torres, Public Works Director Recommendation: Approve
Interlocal Agreement Amendment
Interlocal Agreement Memo
Original Agreement

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7. Adopt Resolution No. 2016-27 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, referring to permits needed to repair structures that were damaged by Hurricane Matthews, rescinding and waiving certain permit fees for repairs and reconstruction of damaged structures, for a period of sixty days and an additional thirty days if deemed needed by the City Manager; providing for an effective date. Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager
Recommendation: Approve
Resolution No. 2016-27
Resolution No. 2016-27 Memo
 8. Adopt Resolution No. 2016-28 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, authorizing the City Manager to declare the need to waive permit fees for damage caused by hurricanes, in order to expedite and facilitate repairs and reconstruction of damaged structures. The waiver period shall last sixty days following a hurricane, and an additional thirty days, if deemed needed; providing for an effective date. Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager Recommendation: Approve
Resolution No. 2016-28
Resolution No. 2016-28 Memo
 9. Authorize Staff to enter into a lease agreement for City property located at 870 S. Orlando Avenue, Cocoa Beach. The one-year lease would be between the City and the contractor for use as a staging site to facilitate FDOT projects in Cocoa Beach. Staff Representative: Charles H. Holland, Jr., CGFO, Acting City Manager Recommendation: Approve
ITEM I9-Lease Agreement - 870 South Orlando (Added 10-17-16)
ITEM I9-Rental Agreement - 870 Orlando Memo (Added 10-17-16)
ITEM I9-Property Information - Tax Accounts # 2519896 & # 2519897 (Added 10-17-16)
 10. Approve the purchase of new Musco sports lighting for Field #1 (High School baseball field) in the amount of \$143,355. The City is piggy-backing on Clay County bid #13/14-8. (Item added to Agenda on 10-20-16) Staff Representative: Bob Torres, Public Works Director Recommendation: Approve"
Musco Lighting Memo
- J. ITEMS REMOVED FROM THE CONSENT AGENDA
Consent Agenda items 2, 4 and 5 were removed from the Consent Agenda and discussed. The items remain in the minutes as listed on the agenda.
- K. NEW BUSINESS
1. Consider providing an opinion to the U.S. Board of Geographic Names (BGN), concerning the naming of the 45-mile-long barrier island, from an unnamed status to "Brooks Island." The BGN is responsible for standardizing geographic names for use by the departments and agencies of the Federal Government. The BGN has received a proposal to apply the new name of Brooks Island to the 45-mile-long barrier island that extends from the Canaveral Barge Canal to Sebastian Inlet. Harry J. Brooks (1903-1928) - a test pilot for Henry Ford, crashed into the ocean, east of the island, during a race between Michigan and Miami. (Past naming requests: In 2011 and 2012, three names for the unnamed island were proposed to the BGN: Ais Island, Ponce de Leon Island, and Coacoochee Island. Due to a lack of local consensus, the BGN did not approve any of these proposals. The island remains officially unnamed.) Representative: City Commission Recommendation: Commission decision (Approve the Proposed Name, Reject the Proposed Name, (Take Action as Specified, or Render a Decision Without Recommendation)
Brooks Island Recommendation Form
Brooks Island Map

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Brooks Island Proposal

[Brooks Wikipedia](#)

[Commemorative Name Change Policy](#)

[Review List Brooks Island](#)

The City Attorney read the item.

MOTION BY MARTINEZ/MALIK

I MOVE TO DISCUSS.

MOTION BY WILLIAMS/MARTINEZ

I MOVE TO APPROVE I MOVE TO REJECT THE PROPOSED NAME. (Editor's Note: The motion to reject the proposed name, received paralleled discussion to interpret the motion to not name the barrier island.)

Commissioner Miller proposed not to take action. In his opinion, it was not the purpose of the Commission to suggest the naming of the island.

Ms. Janice Scott reported on past Commission discussions on naming the island. She noted that residents like calling the island, a barrier island. She suggested retaining the name "barrier island."

Ms. Angela Richards noted that, in reading the supporting agenda item documentation, it did not mention that Mr. Brooks stepped on the island. In her opinion, a plane crash did not meet the "direct association" criteria.

Commissioner Miller suggested not providing a recommendation to the request to name the island.

Mayor Tumulty interpreted the motion being considered by the Commission to support not naming the island.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

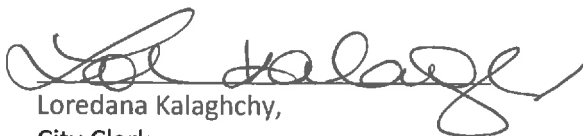
L. ADJOURNMENT

Mayor Tumulty reported that the Port Canaveral Board did not approve the request to hold the SeasFest at the Port. He suggested that Cocoa Beach Main Street consider approaching SeaFest to bring the event to downtown Cocoa Beach.

Commissioner Martinez announced that on December 3, Mainstreet was holding a free event - Winter Fest. He noted that he would reach out to SeaFest.

Mayor Tumulty announced an upcoming marathon to be held in the City. He also noted that a local candidate debate was scheduled for October 25, at 6PM, at the Cocoa Beach Country Club.

The meeting was adjourned at 8:59 PM.


Loredana Kalaghchy,
City Clerk


Tim Tumulty,
Mayor-Commissioner