Town Commission Emergency Meeting

Meeting Date: November 9, 2026

From: Town Attorney

RE: Resolution No. 2026-XX

Background Information:

Section 252.38(3)(a)(5), Florida Statutes, authorizes municipalities to declare a local state of emergency for a duration of seven (7) days, which may be extended in additional seven-day increments as necessary. During such time, the Town may waive procedures and formalities otherwise required by general law, ordinance, or local policy, and may take any prudent action necessary to ensure the health, safety, and welfare of the community.

On November 2, 2026, Governor Ron DeSantis issued Executive Order No. 26-227, declaring a state of emergency in Brevard County and other affected areas. On November 3, 2026, in response to the flooding event occurring October 31, 2026, through November 2, 2026, Mayor Dennington declared a local state of emergency within all territory inside the legal boundaries of the Town of Melbourne Beach for a seven-day duration.

This Resolution will extend the local state of emergency to allow the Town to provide appropriate responses to the ongoing emergency and emergency repairs for an additional seven days. Further extensions may be issued via resolution by the Town Commission or when prudent by the mayor or town manager or her designee in the absence of a quorum of the Town Commission.

RESOLUTION NO. 2026-12

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY IN RESPONSE TO LOCAL FLOODING; PROVIDING FOR PENALTIES; PROVIDING FOR DURATION OF LOCAL STATE OF EMERGENCY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TERMINATION DATE

WHEREAS, Section 252.38(3), *Florida Statutes*, authorizes the Town of Melbourne Beach to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, a state of local emergency resolution is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, on November 2, 2026, Governor DeSantis issued Executive Order No. 26-227, and a state of emergency currently exists in Brevard County because of the flooding event occurring October 31, 2026, through November 2, 2026; and

WHEREAS, on November 3, 2026, Mayor Dennington issued a proclamation declaring a local state of emergency pursuant to Chapter 16 of the Town of Melbourne Beach Code of Ordinances; and

WHEREAS, heavy rainfall and localized flooding has caused extensive damage to the Town of Melbourne Beach, and the Town Commission has determined that a local state of emergency exists; and

WHEREAS, under the powers vested in it pursuant to Chapter 252, *Florida Statutes*, the Town Commission of the Town of Melbourne Beach finds it appropriate to proclaim the existence of a state of local emergency in the Town of Melbourne Beach; and

WHEREAS, the Town Commission finds that this situation meets the statutory definition of an "emergency" or "disaster" under Section 252.34, *Florida Statutes,* and that immediate action is required to mobilize resources and protect the health and safety of the public, to protect critical infrastructure, and to mitigate the damages causes by the significant rain and flooding event.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Melbourne Beach, Florida, that:

Section 1. Legislative Findings and Intent. The Town of Melbourne Beach has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

Section 2. State of Local Emergency.

(a) The Town Commission of the Town of Melbourne Beach, in accordance with the powers vested in it pursuant to Chapter 252, Florida Statutes, does hereby proclaim the existence of a state of local emergency in the Town of Melbourne Beach, Florida.

(b) The Town Manager is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This Resolution further authorizes the Town Manager to utilize all lawful authority granted to the Town of Melbourne Beach by Federal, State, County, or Town Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.

(c) All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this Resolution shall be suspended during this period of time and to the extent that such conflict exists.

(d) The Town Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates, and other approvals under the Town of Melbourne Beach Code of Ordinances, to the extent necessary to accommodate the emergency.

(e) Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
b. Entering into contracts;
c. Incurring obligations;
d. Employment of permanent and temporary workers;
e. Utilization of volunteer workers;
f. Rental of equipment;
g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities, and
h. Appropriation and expenditure of public funds

(f) The Town Manager shall follow FEMA guidelines in procuring services, materials, labor, and equipment necessary to respond to the emergency, including recovery efforts. The Town Manager shall abide by the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.

Section 3. Duration of Local State of Emergency. This declared state of local emergency shall remain in full force and effect from the date of adoption of this Resolution and shall automatically expire seven (7) days after adoption but may be extended by a majority vote of the Town Commission, as necessary, in seven (7) day increments. In addition, should a quorum of the Town Commission not be reasonably available to extend the resolution, then the resolution may be extended by the Mayor, which may then be ratified at the next meeting of the Town Commission.

Section 4. Conflicts. Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

Section 6. Effective Date and Termination Date. This Resolution shall take effect immediately upon its adoption by the Town Commission and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document in accordance with applicable law.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at an emergency meeting this 9th day of November, 2026.

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

By: _____
Alison Dennington, Mayor

ATTEST:

_____
Cyd Jones
Town Clerk

(TOWN SEAL)



Town Commission Special Meeting

Section: Walk On

Meeting Date: November 9, 2026

From: Town Manager

RE: Approval of extension of state of emergency declaration and use of funding for emergency flood repairs

Background Information:

The nonstop rains and flooding from November 1-3, 2026, caused immediate damage and now additional damage to roads and stormwater that we see as the waters recede. Public Works has been working around the clock documenting the damage and collaborating with the Emergency Operations Center. The following is a list of immediate damage that needs to be addressed right away and SWAG costs (costs will be more defined as underground work commences):

1. 413 Driftwood – failed stormwater pipe – emergency repair to begin 11/10 ($60K)
2. 500 Block Ocean Ave. – stormwater inlet manhole box collapse ($11K)
3. 408 Block Ocean Avenue (from A1A to 416 Ocean Avenue) – stormwater pipe collapsing Phase 1 ($152K)
4. 510 Riverside Dr. – failed stormwater pipe pavement collapse ($13.2K) *Work being completed today.*

The next items are flood damage that needs to be addressed quickly, but not immediately:

1. Ocean Ave. north side of street– from Oak St. manhole west to river outlet–300 block stormwater pipe collapsing pavement at considerable risk of failure – will be done in 4 phases ($152K per phase).
2. All asphalt crumbling from extreme rainfall/flooding along "tree streets": Cherry Street, Elm Street and Ash Street – Geotech testing will convene shortly $5K per street
    - Estimate from engineer provided for Cherry Street only – cost would be$560,860 for paving reconstruction only/ $990k is roadway + drainage + exfiltration.
3. Oak Street – particularly near 4th avenue pavement starting to break after extreme amount of flood waters with strong current
4. 4th Ave. – 400 block observable cracking in asphalt following rain event
5. 6th Ave. – 400 block cracking asphalt rising areas appearing after the flooding
6. 6th Avenue boat ramp – destroyed – need redesign and construction

7. Key street sewer and pavement issues (Anchor Key, Pelican Key and Birch Street) and also sewer pipe failure on Avenue B west of A1A – meeting with Brevard County Assistant Director for Utilities on Thursday.

Funding:

This is the current balance in relevant funds:

Fund 141 Stormwater Maintenance: $21,463 (funding taken out for sea wall)

Fund 341 Stormwater Capital: $133,387 ($77,078 reserved for stormwater master plan update)

Fund 351 Road Repair Capital: $155,384

Recommendation:

Approve the extension of the emergency declaration due to the flood on November 1-3, 2026, and use of funding for immediate flood repairs as listed above.

Attachments:

Sample of cost estimates

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ggrignon@atlanticdevelopmentofcocoa.com

QUOTE

OCEAN AVENUE 24" STORM PIPE REPLACEMENT **11/9/2026**

ADC# 26-073

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION	1	LS	$3,700.00	$3,700.00
MAINTENANCE OF TRAFFIC	1	LS	$3,585.00	$3,585.00
DEMO & HAUL OFF 24" CMP	360	LF	$25.00	$9,000.00
REMOVE & REPLACE CONCRETE CURB	380	LF	$38.75	$14,725.00
REMOVE & REPLACE BRICK PAVER DRIVEWAY	4	EA	$5,500.00	$22,000.00
REMOVE & REPLACE CONCRETE DRIVEWAY	500	SF	$11.25	$5,625.00
REMOVE & REPLACE ASPHALT BIKE LANE(8" LIMEROCK,2" ASPHALT)	212	SY	$68.50	$14,522.00
PROVIDE & INSTALL 24" ADS HP PIPE	360	LF	$127.87	$46,033.20
CONNECT TO EXISTING INLET	2	EA	$1,860.00	$3,720.00
REPLACE EXISTING TYPE P TOP W/TYPE C INLET WITH APRON	2	EA	$7,500.00	$15,000.00
REGRADE & SOD DISTURBED RIGHT-OF-WAY	4000	SF	$1.81	$7,240.00
SEWER LATERAL CONFLICT RESOLUTION	5	EA	$1,250.00	$6,250.00
				$0.00
				$0.00
TOTAL				**$ 151,400.20**

EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual

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QUOTE

OCEAN AVENUE 24" STORM PIPE REPLACEMENT **11/9/2026**

ADC# 26-073

quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

Accepted by:

Date: _____

_____

(Signature)

_____

(Print)

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QUOTE

OCEAN AVENUE MANHOLE REPAIR **11/9/2026**

ADC# 26-074

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION	1	LS	$1,500.00	$1,500.00
EXCAVATE/EXPOSE SIDE OF MANHOLE	1	LS	$2,285.00	$2,285.00
GROUT SEAL INSIDE & OUTSIDE OF MANHOLE	1	LS	$3,816.00	$3,816.00
BACKFILL, COMPACT EXCAVATION, PLACE LIMEROCK & ASPHALT PATCH	1	LS	$3,285.00	$3,285.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
TOTAL				**$ 10,886.00**

EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

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QUOTE

OCEAN AVENUE MANHOLE REPAIR **11/9/2026**

ADC# 26-074

Accepted by:

Date:

(Signature)

(Print)

	QTY	UNIT	UNIT COST	COST
SITEWORK AND EARTHWORK				
Mobilization	1	LS	$50,000	$50,000
Erosion control	1	LS	$5,000	$5,000
Clearing and grubbing (≤ 5 acres)	0.3	AC	$15,000	$3,900
Clearing and grubbing (> 5 acres)	0.0	AC	$20,000	$0
Concrete disposal	669.0	TN	$90.00	$60,210
Utility relocation / adjustment	1	LS	$0	$0
Excavation (cut)	993	CY	$19.50	$19,364
Embankment (fill)	0	CY	$28.00	$0
Fences / railings	0	LF	$113.50	$0
Sod and / or seed and mulch	1,271	SY	$3.00	$3,813
Materials testing	1	LS	$10,000	$10,000
			Subtotal:	**$152,290**
ROADWORK				
Maintenance of traffic	1	LS	$15,000	$15,000
Asphalt milling (1" avg.)	1.0	DAY	$17,450	$17,450
Stabilized subgrade (type B, LBR-40)	0	SY	$22.00	$0
Paving base (optional base group 6)	4,608	SY	$26.50	$122,112
Paving base (optional base group 9)	0	SY	$42.50	$0
Superpave asphaltic concrete (1")	0	SY	$21.50	$0
Superpave asphaltic concrete (1½")	4,448	SY	$32.00	$142,336
Superpave asphaltic concrete (2")	0	SY	$43.00	$0
Asphalt overlay (≤ 50 tons)	0.0	TN	$595.00	$0
Asphalt overlay (51 - 150 tons)	0.0	TN	$315.00	$0
Asphalt overlay (> 151 tons)	0.0	TN	$250.00	$0
Pervious asphalt or concrete (6")	0	SY	$95.00	$0
Concrete curb and/or gutter	2,860	LF	$34.50	$98,670
Sidewalk (6')	0	LF	$41.50	$0
Multimodal path (10')	0	LF	$70.00	$0
			Subtotal:	**$395,570**

			County Project / Permit No:	0
DRAINAGE				
Inlets / Manholes (≤ 10')	14	EA	$6,050	$84,700
Inlets / Manholes (> 10')	0	EA	$13,150	$0
Control structures	0	EA	$9,080	$0
Mitered end sections (≤ 24" or equiv.)	0	EA	$2,020	$0
Mitered end sections (> 30" or equiv.)	0	EA	$4,750	$0
Endwalls	0	CY	$980.00	$0
Rip-rap	0	TN	$139.00	$0
Storm culvert (15" or equiv.)	0	LF	$73.00	$0
Storm culvert (18" or equiv.)	112	LF	$89.00	$9,968
Storm culvert (24" or equiv.)	184	LF	$129.00	$23,736
Storm culvert (30" or equiv.)	0	LF	$171.00	$0
Storm culvert (36" or equiv.)	0	LF	$244.00	$0
Storm culvert (42" or equiv.)	449	LF	$324.00	$145,476
Box culvert	0	EA	$0.00	$0
Exfiltration trench (15")	300	LF	$188.00	$56,400
Exfiltration trench (18" - 24")	531	LF	$206.00	$109,386
Storage chamber system	1	LS	$0.00	$0
			Subtotal:	**$429,670**
UTILITIES				
Directional drill (≤ 6")	0	LF	$55.00	$0
Directional drill (8" - 10")	0	LF	$130.00	$0
Directional drill (> 12")	0	LF	$300.00	$0
Water main (4")	0	LF	$40.00	$0
Water main (6")	0	LF	$50.00	$0
Water main (8")	0	LF	$65.00	$0
Water main (10" - 12")	0	LF	$150.00	$0
Water service (single)	0	EA	$2,100	$0
Water service (double)	0	EA	$2,300	$0
Fire hydrant assembly	0	EA	$8,600	$0
Sewer gravity (≤ 8')	0	LF	$66.00	$0
Sewer manhole (≤ 8')	0	EA	$6,850	$0
Sewer gravity (< 8' - 12')	0	LF	$101.00	$0
Sewer manhole (< 8' - 12')	0	EA	$9,050	$0
Sewer gravity (< 12' - 16')	0	LF	$206.50	$0
Sewer manhole (< 12' - 16')	0	EA	$12,950	$0
Sewer gravity (< 16')	0	LF	$244.00	$0
Sewer manhole (< 16')	0	EA	$20,650	$0
Sewer lateral (single)	0	EA	$1,700	$0
Sewer lateral (double)	0	EA	$2,400	$0
Sewer force main (4")	0	LF	$33.00	$0
Lift station	0	EA	$0	$0
			Subtotal:	**$0**
TRAFFIC CONTROL				
Signage	1	LS	$7,500	$7,500
Pavement markings	1	LS	$5,500	$5,500
Flashing beacons	0	EA	$7,050	$0
Traffic signal or roundabout	0	EA	$0	$0
			Subtotal:	**$13,000**

County Project / Permit No:	0

SURVEY				
Setting P.C.P.'s	1	LS	$0	$0
Setting and replacing P.R.M.'s	1	LS	$0	$0
Setting all lot corners	1	LS	$0	$0
			Subtotal:	**$0**
MISCELLANEOUS				
Lighting system	1	LS	$0	$0
Landscape and irrigation system	1	LS	$0	$0
			Subtotal:	**$0**
OTHER				
_____	0		$0	$0
_____	0		$0	$0
_____	0		$0	$0
			Subtotal:	**$0**

Opinion of Probable Cost : $990,530

Is this related to an approved Development Order (Yes or No)? Yes