



TOWN OF MELBOURNE BEACH

REGULAR TOWN COMMISSION MEETING

FEBRUARY 21, 2024

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Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING February 21, 2024 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, February 21, 2024, in the Community Center to address the items below

Commission Members:

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
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, Unfinished 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**
- 2. Roll Call**
- 3. Pledge of Allegiance and Moment of Silence**
- 4. Meeting Agenda – Additions/Deletions/Changes**
- 5. Consent Agenda**
 - A. Approval of the Regular Town Commission Meeting minutes January 17, 2024
 - B. Approval of the Town Commission Workshop minutes January 16, 2024
 - C. Approval of the Town Commission Workshop minutes January 3, 2024
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 - a) Member Robert Schaefer
 - b) Member Xochitl Ross
 2. Reappointment of members of the Environmental Advisory Board
 - a) Member Curtis Byrd
 - b) Member Crystal Cain
 3. Reappointment of members of the Planning and Zoning Board
 - a) Member David Campbell
 - b) Member April Evans
 - c) Member Dan Harper
 - d) Member Gabor Kishegyi
- 6. Proclamations/Presentations/Awards**
- 7. Finance/Budget Report**
- 8. Department and Board/Committee Reports**
 - A. Parks Board
 - B. Public Works Department
 - C. Building Department
 - D. Code Enforcement
 - E. Fire Department
 - F. Police Department
 - G. Town Clerk
- 9. Public Comment (Non-Agenda Items)**

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.
- 10. Public Hearings/Special Orders**
- 11. Unfinished Business**
- 12. New Business**

- A. Consideration of curbing repair/replacement on Riverside Dr – Public Works Director Tom Davis
- B. Consideration of the proposal to establish a volunteer Beach Ambassador program within the Town of Melbourne Beach – Fire Chief Gavin Brown
- C. Consideration of the proposal to add a Spanish Together Class – Parks Board
- D. Discussion on Town Commission term lengths related to off-year/odd-year elections – Town Clerk Amber Brown
- E. Consideration of Resolution 2024-01 – Providing for access to public records by remote electronic means and approving the Town’s record (master) copy documents on electronic media – Town Clerk Amber Brown

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCESS TO PUBLIC RECORDS BY REMOTE ELECTRONIC MEANS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 119, FLORIDA STATUTES; FURTHER APPROVING THE KEEPING AND MAINTAINING OF THE TOWN’S RECORD (MASTER) COPY DOCUMENTS ON ELECTRONIC MEDIA, NAMELY THE TOWN’S LASERFICHE IMAGING SYSTEM, IN ACCORDANCE WITH THE REQUIREMENTS OF F.A.C RULE 1B-26.003; AND PROVIDING AN EFFECTIVE DATE.

- F. Consideration of changing the date for the Regular Town Commission Meetings in March, April, and May – Commissioner Marivi Walker
- G. Discussion on ordinance language changes related to sheds – Building Official Robert Bitgood
- H. Consideration of pricing contract renewal with Waste Pro – Town Manager Elizabeth Mascaro
- I. Discussion on 2nd Kitchens, repeal Ordinance 2023-02 and working on a stricter, narrowly tailored alternative – Mayor Alison Dennington
- J. Discussion on Town Charter and Code provisions related to traffic changes and changes to the parks and possible conflicting policies and procedures – Mayor Alison Dennington
- K. Discussion on Riverside Drive traffic control concerns – Vice Mayor Sherri Quarrie
- L. Discussion on the Riverside Drive stop sign survey – Town Manager Elizabeth Mascaro
- M. Consideration of obtaining a traffic study on Riverside Drive for calming device options – Commissioner Marivi Walker

13. Administrative Reports

- A. Town Attorney
- B. Town Manager

14. Commission Reports

15. Task List

16. Public Comment

17. Adjournment

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING January 17, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

DRAFT MINUTES

Commission Members:

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members Present

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

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes

Commissioner Corey Runte made a motion to approve the proposed meeting agenda; Commissioner Marivi Walker seconded; Motion carried 5-0.

5. Consent Agenda

- A. Appointment of Jason Judge as an Alternate to the Planning and Zoning Board

Vice Mayor Sherri Quarrie made a motion to approve the consent agenda; Commissioner Corey Runte seconded; Motion carried 5-0.

6. Proclamations/Presentations/Awards

- A. Presentation on Brevard County Ocean Drownings by Dr. Travis Hunsucker

Dr. Travis Hunsucker who is an assistant professor of Ocean Engineering at Florida Tech delivered a presentation on Brevard County Ocean Drownings. He spoke about things to consider include updating and streamlining signage, create a lifesaving club, and add year-round lifeguards at Ocean Ave.

Vice Mayor Sherri Quarrie asked Fire Chief Gavin Brown for any input.

Fire Chief Gavin Brown spoke about previously doing water safety presentations at Gemini, the people who are drowning are not typically from this area, and the fire department has free classes such as CPR, beach safety, basic first aid, etc. One change related to lifeguards is now there is a year-round lifeguard patrol doing education that is covering our Town.

Commissioner Marivi Walker asked for more details regarding signage.

Dr. Travis Hunsucker spoke about how the signs at each crossover are like a data dump of information. Reduce the amount of signs and include signs directing the public to guarded beaches.

Commissioner Corey Runte spoke about the funding needing to come from the County because they get all of the bed night tax which includes short-term rentals, bed and breakfasts, hotels, etc. and the Town does not get a fair share back. Contact Brevard County to fund a full-time lifeguard at Ocean Park, and if you notice someone is a tourist remind them of beach safety/dangers.

Vice Mayor Sherri Quarrie asked if there is any data comparing fatalities to the beach renourishment.

Dr. Travis Hunsucker spoke about not seeing any significant correlation in this data.

Commissioner Adam Meyer asked if Dr. Travis Hunsucker has considered presenting it to Brevard County.

Dr. Travis Hunsucker spoke about the United States Lifesaving Association sent a memo with this information. He would present it to them if they were interested.

7. Finance/Budget Report

Finance Manager Jennifer Kerr spoke about an IRS issue where they applied the Town's 941 tax payment from 2020 to 2019, so it showed an overpayment for 2019 which the IRS sent back, and a shortage for 2020. The issue was resolved with the IRS refunding the Town with interest.

Commissioner Corey Runte made a motion to approve the finance/budget report as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

8. Department and Board/Committee Reports

A. Public Works Department

Public Works Director Tom Davis spoke about the base on the west side of the library being washed out; he met with the County and they have agreed to fix it. He spoke about the cost of the damage from a vehicle that drove onto the pier is given to the police to recoup the cost of the damages. He spoke about engineering being done for the Poinsettia project.

B. Building Department

Building Official Robert Bitgood spoke about how December is typically not as busy due to the holidays.

C. Code Enforcement

Building Official Robert Bitgood spoke about ramping up code enforcement. Two properties went to the Special Magistrate this month and there is more going next month.

Mayor Alison Dennington asked for a little more detail on the violations that say multiple violations, attractive nuisance, or vacation rental to describe what the violation is.

D. Fire Department

Fire Chief Gavin Brown spoke about maintaining an ISO rating of class 3.

E. Police Department

Commissioner Adam Meyer asked if the Police Chief position had been posted.

Town Manager Elizabeth Mascaro spoke about how it should be posted by Friday.

F. Town Clerk

No additions

9. Public Comment (Non-Agenda Items)

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.

Mark McBride – 310 Second Ave

Mark McBride spoke about multiple issues related to vacation rentals in Town. Asked what has been done and what will be done.

Mayor Alison Dennington spoke about wanting to work on a handbook for the public but also for the police to know what can be done. She would like to start working on tightening up the code by meeting with the public starting in February.

Commissioner Corey Runte spoke about appreciating the list that was provided, but the Town has not had a Town attorney to make changes to the code. If you see a vacation rental that is not registered with the Town turn the information into the Town.

Mayor Alison Dennington asked to add a Task List item to create a vacation rental handbook for the public and the police.

Vice Mayor Sherri Quarrie spoke about a new bill in legislature related to vacation rentals that the Florida League of Cities is against because it takes away some home rule by making vacation rentals more responsible to the State rather than the local municipalities.

Susan Martin – 2202 Rosewood Drive

Susan Martin asked if the Commission voted to place the stop signs, if a study was done, and what was the justification. Nobody wants those two stop signs there. If there is no documentation or justification then take them down.

Vice Mayor Sherri Quarrie spoke about not voting on it, and the Police Chief and Town Manager discussed the issues with reckless driving on the road and they decided the stop signs were the solution. She spoke about some residents do like the stop signs, people getting passed on a double yellow, and an employee was almost hit.

Mayor Alison Dennington spoke about being against the stop signs and wanting to come up with procedures for when new stop signs are being considered. We should not spend money to do a study now that the stop signs are already in. One resident provided a compromise of pulling one stop sign and leaving the other one in place. Would like to bring this item back on the agenda to discuss removing them.

Commissioner Corey Runte spoke about never voting on those stop signs, some residents like the stop signs, and he would not decide on removing them and changing the traffic pattern again without more data. Wants to do a survey of residents between Ocean Ave and Andrews from Riverside to A1A.

Mayor Alison Dennington spoke about if a survey is done it should go to all of the residents.

Vice Mayor Sherri Quarrie spoke about doing a formal survey to collect the data, but when your Police Chief says the conditions are unsafe then you should do something.

Mayor Alison Dennington spoke about having a workshop just for the stop signs.

Commissioner Corey Runte spoke about how the survey can go out to the whole Town, but there should be a way to separate the data just for the immediate area.

Mayor Alison Dennington spoke about posting an informal survey online for residents to fill out and return to Town Hall to get a rough idea of resident input.

Commissioner Corey Runte moved to recommend proceeding with a survey of all of the residents of the Town about the stop signs; Vice Mayor Sherri Quarrie seconded, Motion carried 5-0.

Ken Lebrato – 213 Cherry Dr

Ken Lebrato spoke about Commissioner Corey Runte owes Sue Martin an apology. Who decided to close the Town for a week?

Mayor Alison Dennington apologized.

Commissioner Runte apologized for using the word ignorant, but spoke about the statement being untrue and broad.

Town Manager Elizabeth Mascaro spoke about the previous Town Commission approved it. The Building Department was going to be closed, so the other employees were given the option to use vacation time to take those three days off as well. Some employees did work part of the time.

Pia Mann - 2205 Redwood Ave

Pia Mann asked about the cement barrier along A1A by the gas station that was moved into the bike lane who is responsible for that and why has it not been removed?

Building Official Robert Bitgood spoke about that being the State's responsibility and they are the only ones that can remove it. It is not easy to remove because there are underground pipes, but the Town has been in contact with FDOT to have it removed.

Kathleen Hart - 407 Surf

Kathleen Hart asked if there are any plans to fix the Fifth Ave beach access.

Building Official Robert Bitgood spoke about working with the public works department on the plan to first make all of the crossovers safe and then go back and rebuild all of them.

Town Manager Elizabeth Mascaro spoke about first shoring up any crossovers that need it and then start rebuilding them, however, the work can only be done outside of sea turtle season.

Paula Panton – 809 Riverside Dr

Paula Panton spoke about how the stop signs were installed without there being any written documentation from the Town, and according to FDOT studies, they were installed for the wrong reasons. Traffic patterns have not changed since the stop signs were installed and asked what happened to doing a traffic study.

Commissioner Corey Runte spoke about doing a traffic study right now with the stop signs in place would not provide accurate data.

Kate Wilborn – 502 Second Ave

Kate Wilborn spoke out against the stop signs. Instead, maybe put a stop sign at the corner where a vehicle drove off the road instead.

10. Public Hearings/Special Orders

11. Unfinished Business

- A. Consideration of volunteer board member applications for the Board of Adjustment – Town Clerk Amber Brown

Town Clerk Amber Brown spoke about the Board of Adjustment has had two alternate positions open for years. We originally received four applications, however, two people have removed their applications from consideration. It is up to the Town Commission how they would like to proceed. The options are to open it back up to the public to receive more applications, fill one position, fill both positions or fill neither position.

Mayor Alison Dennington spoke about the two applications for consideration are qualified.

Mayor Alison Dennington passed the gavel to Vice Mayor Sherri Quarrie.

Mayor Alison Dennington made a motion to approve the two applications for both positions; Commissioner Adam Meyer seconded for discussion, Motion was withdrawn by Mayor Alison Dennington and Commissioner Adam Meyer.

Commissioner Corey Runte spoke about only voting for one candidate due to the second one not being qualified.

Commissioner Marivi Walker agreed with Commissioner Corey Runte and spoke about how important those positions are.

Commissioner Adam Meyer spoke about not wanting to vote on Travis Hunsucker's application until they have had time to interview him.

Commissioner Corey Runte spoke about only voting for Travis Hunsucker and not Katherine Wilborn. He will not vote for someone just because they applied. The Board is a quasi-judicial board and requires a lot of information and experience to qualify for that position.

Mayor Alison Dennington spoke about the position is for an alternate that has been open for years. We have someone who has been going to many meetings. She is qualified in the sense that she has lived her for 40 years, comes to meetings routinely, has a doctorate, and is an intelligent woman.

Commissioner Marivi Walker spoke about there being a lot to it, board members need to understand architectural details, read plans, and have a different level of education. Doctor Wilborn is good and competent in what she knows but does not have the background for this. She is very confident in Travis Hunsucker and his knowledge. The Commission does not need to fill the position just because it is open and she does not feel Doctor Wilborn has the necessary background needed for this position, so she would not be in favor of approving that application but would approve Doctor Hunsucker's application.

Vice Mayor Sherri Quarrie spoke about Doctor Wilborn having an excellent resume, however, she does not have the background for what the Board of Adjustment requires. Maybe she could start with the Planning and Zoning Board first.

Mayor Alison Dennington spoke about how it would not hurt to fill the position instead of leaving the position open.

Dawn Barlow – 1710 Pine St

Dawn Barlow asked if anyone has asked the Planning and Zoning Board members if they are interested in joining the Board of Adjustment.

Town Manager Elizabeth Mascaro spoke about the Planning and Zoning Board members had not been asked.

Gail Gowdy – 215 Ash Ave

Gail Gowdy spoke about being a member of both Planning and Zoning and Board of Adjustment and there are no qualifications for joining the Boards. The positions are for learning especially the alternate positions.

Commissioner Corey Runte spoke not agreeing because a quasi-judicial board has legal implications and can make legal changes to the Town Code. When a Board member is absent at a meeting the alternate would be a voting member. It is not in the best interest of the residents to put someone in a position just because they applied. He would love to see Ms. Wilborn on another board for the Town other than the Board of Adjustment.

Mayor Alison Dennington spoke about doing a disservice to ourselves by not filling the position. Doctor Wilborn would attend the meetings and learn.

Kate Wilborn – 502 Second Ave

Kate Wilborn spoke about how this is personal. She has been researching the Board of Adjustment, County Code, and State Statutes and believes she is qualified.

Crystal Cain – 309 Surf Rd

Crystal Cain spoke about how it was recently noticed that alternate positions on some Boards have been left vacant, why are current board members not asked about new applicants?

Vice Mayor Sherri Quarrie spoke about the code stating the board shall be composed of, when reasonably possible, one architect, one engineer, one member at large from the building industry, one building contractor, and one member at large from the public.

Steve Walters – 416 Sixth Ave

Steve Walters spoke about there being two realtors and a developer that don't want

There was too much commotion to discern the remainder of the public comment from Steve Walters.

Mayor Alison Dennington spoke about withdrawing her motion to get the gavel back.

Commissioner Adam Meyer agreed to withdraw his second on the motion.

Commissioner Corey Runte made a motion to approve only one candidate Doctor Hunsucker for one alternate position; Commissioner Marivi Walker seconded, Motion carried 3-2 with Mayor Alison Dennington and Commissioner Adam Meyer dissenting.

Mayor Alison Dennington spoke about finding it disturbing that the Commission is so willing to accept Doctor Hunsucker without questioning him. He is not an engineer.

Commissioner Corey Runte spoke about Travis Hunsucker is an engineer who has very strong qualifications and he has known him for several years and has a personal testament.

Tina Coppock – 505 Avenue B

Tina Coppock spoke about this just wasting time, there is a motion on the floor stop discussing it and vote. You are not going to change anyone's mind by arguing. We just hired an attorney who is going to sit through the same thing over and over again wasting the taxpayer's money.

Mark McBride – 310 Second Ave

Mark McBride spoke about the list of qualifications including one member of the public is on the Board. Is that position filled? He does not believe all engineers would understand

easements and structures. There is a trust issue with the Commission. It seems the Commission has been asleep at the wheel. He has been a resident for a long time, and Doctor Wilborn has a like-minded interest and is highly educated.

Frank LaGrassa 412 First Ave

Frank LaGrassa spoke about when Mrs. Wilborn talked about there being too many variances, favoritism, and following the rules. A position with fundamental values counts for that Board.

Steve Walters – 416 Sixth Ave

Steve Walters spoke about being run off during his last public comment. Why allow Commissioner Corey Runte to interrupt and speak out of turn? The Mayor does not need to pass the gavel to make a motion.

Mayor Alison Dennington spoke about voting against the motion because she would like to vote for both candidates not just one.

B. Consideration of the 2024-2025 Seasonal Lifeguard Contract with Brevard County – Town Manager Elizabeth Mascaro

Town Manager Elizabeth Mascaro spoke about this contract being for the same schedule the Town currently has with the County. The cost would be \$127,934.17 for a part-time guard for the fiscal year 2024-2025. The Town's portion would be 50% of the cost. If the Town had a full-time lifeguard it would cost over \$330,000.00. The County did mention the possibility of a reduced fee based on the bed-night tax if the County Commission approves it. She asked the Commission if they want a seasonal guard, a full-time guard, or no guard. There is now a roaming guard between Indialantic and Spessard Holland.

Commissioner Adam Meyer asked if we no longer had paid parking would the County pay 100% of the cost.

Town Manager Elizabeth Mascaro did not believe the County would pay 100% at all.

Mayor Alison Dennington asked if the Town's portion was 50% or 50% minus the 20%. We currently pay around \$40,000 and the new contract would cost around \$60,000. What is the difference for the \$20,000? Why does the Town have to pay for the operating expenses and infrastructure and capital expenses?

Town Manager Elizabeth Mascaro spoke about the Town's portion being 50% of the cost. The difference in cost is for the increase in costs and to cover operating expenses.

Fire Chief Gavin Brown spoke about how the County came up with the amount by totaling all of the costs associated with the lifeguard program such as electricity, the building, the secretary, etc. for the lifeguard program then divided it among the total guarded locations. The Town would not be able to provide the same service for the same price. His

understanding about the tourist tax dollars was if the Town decided to create its own program then the County would look into providing some of the tourist tax dollars to the Town but it might only be around \$10,000. The \$63,000 price is still a good deal, however, if the Commission wants to be completely fair then the Town should pay 50% and the County should pay 50% and then share the tourist tax dollars. Instead of the tourist tax dollars which was 20% coming off the County's portion not off the top, so the County would pay 30%, tourist tax dollars would pay 20%, and the Town would pay 50%.

Mayor Alison Dennington spoke about wanting to dig into the numbers more and the cost listed for Comp & Benefits seems more reasonable.

Commissioner Corey Runte spoke about the County Commission deflecting a request to use some tourist tax dollars to put towards lifeguards, instead, they took the tourist tax dollars and put it towards the County's contribution of the contract. Then they take their entire operating budget and divide it by the number of towers. He does not agree with it, but they have the leverage because of the cost if the Town did its own program.

Mayor Alison Dennington asked what the roaming lifeguard is.

Fire Chief Gavin Brown spoke about how when there were several drownings last year there was no one down here on this part of the beach. Now they have added a full-time year-round supervisor that patrols from Indialantic to Ponce De Leon. As of that meeting, they said the patrol and mutual aid would not be affected if Melbourne Beach chose not to have lifeguards.

Mayor Alison Dennington spoke about how the \$111,000 number is more reasonable.

Vice Mayor Sherri Quarrie spoke about the fourth whereas mentions parking data, so maybe we should use that to show that the Town does not make enough in parking revenue to afford it.

Commissioner Corey Runte spoke about authorizing the Town Manager to proceed with negotiations with the County.

Mayor Alison Dennington spoke about adding a provision that if they close it for a period of time then they would pro-rate the cost, include a map of where the tower will be, and the section about delegating to a third party stipulate if that would be the Town Manager or the Town Commission.

Fire Chief Gavin Brown spoke about if the Commission wants to negotiate the cost that is up to them, but from the service side he is not concerned about what is in the contract. They do what is best for the community, so they will move the chair if there is a rip current.

Outside Appointed Council Clifford Repperger spoke about not needing to get into that much detail because that would be handled internally.

Commissioner Adam Meyer spoke about asking the County if Ocean Park was not paid parking would the County pay 100% of the cost because if the cost continues to go up it will cost the Town more than what is made in parking fees.

Commissioner Adam Meyer made a motion to table this until we get more information from the Town Manager speaking with them; Motion failed for a lack of a second.

Town Manager Elizabeth Mascaro spoke about Brevard County bringing it to their Commission in February.

Commissioner Corey Runte spoke about leaving the contract alone but working on getting the cost down.

Town Manager Elizabeth Mascaro spoke about this contract is for next fiscal year. Asked Outside Appointed Council Clifford Repperger if the Town could approve it and then exercise the 60-day termination provision if we cannot negotiate the cost.

Outside Appointed Council Clifford Repperger spoke about how you can do that. He suggested approving the agreement with the proposed changes.

Commissioner Corey Runte made a motion to approve the proposed agreement at a cost of \$111,254.11 with a provision to pro-rate the cost if closed for more than a day; Commissioner Marivi Walker seconded, Motion carried 5-0.

Paula Panton - 809 Riverside Dr

Paula Panton spoke about how educating the public about pool and ocean drownings is very important. It is the Town's responsibility to protect the people at the beach. Lifeguards save lives.

- C. Selection of a law firm to represent the Town of Melbourne Beach as the Town Attorney – Town Manager Elizabeth Mascaro

Town Manager Elizabeth Mascaro spoke about the Commission met with Ryan Knight and Drew Smith from the law firm Shephard, Smith, Kohlmyer & Hand.

Vice Mayor Sherri Quarrie spoke about being impressed with them.

Commissioner Adam Meyer spoke about his only concern was if they had a different attorney attend each meeting, so add something to the contract that Mr. Knight would be the one attending the meetings. The firm is very impressive with its experience and knowledge of small towns and small beach towns. About fifteen minutes of the meeting was about vacation rentals and their experience working with that issue.

Town Manager Elizabeth Mascaro spoke about discussing that concern with Mr. Knight and he assured her that it would be consistent and he would be the one, but we can add that to the contract.

Commissioner Corey Runte agreed and advised they were overqualified. They have over 18 municipal clients of various sizes and have probably gone through anything that we will go through.

Mayor Alison Dennington spoke about going out for an RFP for a town attorney, three law firms provided proposals, and one firm pulled their proposal, yesterday the Commission scheduled to interview the two remaining firms, but one did not show up. The second law firm is very qualified, but one issue is our main attorney does not have town government experience. Recommended shortening the contract to six months then review it.

Outside Appointed Council Clifford Repperger spoke about how there is always a termination clause, and having a longer contract locks in the current rate.

Commissioner Corey Runte spoke about keeping the duration the same because there is a termination clause, and if the contract is shortened they would wonder why.

Commissioner Corey Runte made a motion to approve the selection of Shepard, Smith, Kohlmyer & Hand, P.A. from Maitland, Florida as our next law firm; Commissioner Marivi Walker seconded, Motion carried 5-0.

12. New Business

- A. Consideration of Settlement Agreement Multiple Cases, Dennington and Funoe, LLC v. Town of Melbourne Beach - Attorney Clifford Repperger and Town Manager Elizabeth Mascaro

Outside Appointed Counsel Clifford Repperger spoke about the Town being involved in 3 separate litigation cases and an appellate case. One election contest suit from 2022, two public records suits from 2023, and a 2022 appeal of a code enforcement order related to a shed. The Town is the defendant in the three litigation cases and the appellee in the appeal. The Mayor Ms. Dennington is the plaintiff in the three litigation matters and the manager of the LLC that is the appellant in the appeal matter. Both parties have made their positions clear in the pleadings which are all public records from the Clerk of Courts. Due to the unique situations where the governing body and the head of the governing body are adverse litigants has created a contentious aura or mood related to the function of the Mayor, Town Commission, and Town Staff. That situation is not optimal and has prevented the Commission from functioning as constructively as it should have since the Mayor was elected. Recognizing all of this he, the Town Manager, Mayor Dennington, and her counsel came together collaboratively to examine the cases and the positions of the parties in an attempt to formulate the framework of a resolution that would be mutually beneficial for both parties. What the Commission is considering is the product of hard work from both parties. The nuts and bolts of the tentative settlement are as follows:

1. Ms. Dennington will voluntarily dismiss the election lawsuit and the two public records lawsuits.
2. The appeal case will be stayed for six months while the Town Commission agrees to consider a code amendment that would or could if approved either grandfather the existing shed or legalize it depending on what code changes are made or what the

Commission decides to do. That would or could depending on the Commission's actions moute the appeal and result in a dismissal of the appeal. The Mayor's argument regarding the code change that is at issue that the Commission must consider is not an admission. It is an issue that the Town is aware of and can address it or not. It has been raised in the appeal and is being addressed. It would be addressed in the administrative hearing as well. If the Town does not approve the code change then the appeal case would continue. So the stay is for 6 months while the Commission considers the change if they do not approve it then the appeal continues. The Mayor will provide information regarding the product code and tie-downs to allow the Town to ensure the safety of the accessory shed and administratively process any permits the Building Official deems necessary.

3. All parties bear their own fees and costs related to all litigation and appeals.
 4. The Town will withdraw its motion for sanctions against Mayor Dennington in the election suit.
 5. Both parties and all parties represented under the Town's representation umbrella including himself and his law firm will sign mutual releases and waivers in covenants not to sue Ms. Dennington. Ms. Dennington has already executed the settlement agreement which provides for the release of the Town and all of those named defendants.
 6. Mayor Dennington agrees to withdraw any of the outstanding public records requests filed with the Town for the past two years and to waive any claims related to the same.
- As this settlement agreement is considered it is very important for everyone to understand that neither party is admitting to any liability or being deemed the prevailing party. Both parties are acknowledging that the full scope of the allegations and defenses raised in the cases will not be litigated or judicially decided on. This exercise is not intended to be a vehicle for finger-pointing. Both parties are respecting each other's rights to bring the claims and assert the defenses that the Town has asserted. If the Commission desires to discuss strategy or the specifics of the cases he would request an executive meeting so the specifics can be discussed in greater detail. That is not what tonight's discussion is about. Tonight is an opportunity to work together positively and productively and to do what this Commission has been stating that it wants to do since Ms. Dennington was sworn in. Which is to work together in the spirit of cooperation for the betterment of this Town. Nothing more and nothing less. He and the Town Manager believe that the proposed terms of the settlement allow for just that. The parties can move forward without the burden of these issues and without the continued dedication of resources to a definitive end in sight. We believe that the entry into this agreement is prudent, responsible, and in the best interest of the Town and the Mayor. He and The Town Manager are recommending that the Town Commission approve this settlement agreement.

Town Manager Elizabeth Mascaro spoke about this being brought forward by Mayor Dennington. This is not something that the Town pursued. This was something the Mayor brought to the Town in the spirit of moving forward. She believes this is a sincere attempt by the Mayor to come forward and put these issues to bed so that we can all move forward.

Mayor Alison Dennington spoke about abstaining from the vote related to her involvement in the litigation and passed the gavel to Vice Mayor Sherri Quarrie.

Commissioner Marivi Walker asked if there was any opportunity for the Town to recoup any fees. This settlement does not change the Town's position in anything.

Outside Appointed Counsel Clifford Repperger spoke about the only typical ways to get legal fees are by statute or by contract, and it would be different in each case. In the election lawsuit, there is no provision to recoup, however, the Town filed a motion for sanctions if granted it is possible that the Town could recoup. The Town would first have to prevail and two the courts would have to find that the suit was so frivolous or irresponsible pleading that it warranted sanctions. There was a motion for sanctions filed back in October and the courts have yet to make a ruling on that. As part of the settlement agreement, the case will be dismissed and the Town will not pursue its motion for sanctions in that case. For the public records suites, either party could seek fees depending on who prevails. Sitting here today neither party has the right to recover fees. To get to that point you would have to litigate each case much further. Both parties are agreeing to walk away from the issues, there will be no judicial decision, and no change in position by either party. As to the appeal that one is a little more complicated because the Commission has to consider if it wants to amend the code, while that case is stayed for six months. Neither party prevails or admits defeat.

Commissioner Corey Runte appreciates all parties spending the time to come to an agreement. He asked if there are any public records requests outstanding that have been worked on, but not paid. A non-negotiable item for him is a mutual non-disparagement agreement, so no parties can maliciously discuss the cases. If we want to move forward then this shouldn't be an issue.

Town Clerk Amber Brown spoke about public records requests are not completed until the estimate is paid, so no.

Outside Appointed Counsel Clifford Repperger spoke about that not currently being part of the settlement.

Nathan Meloon is Mayor Alison Dennington's attorney in the public records lawsuits.

Mayor Dennington spoke about wanting to move forward and feels both sides gave up a lot. She is willing to look into it, but holding up the agreement for the non-disparagement agreement would take a long time.

Brief recess at 9:25 pm to allow Mayor Dennington to speak with her attorney in private.

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro
Outside Appointed Counsel Clifford Repperger
Building Official Robert Bitgood
Fire Chief Gavin Brown
Town Clerk Amber Brown

Nathan Meloon, Mayor Alison Dennington's attorney, spoke about this being an unusual situation. With both parties being on a public board there are enforceability and privilege issues as far as what is said on the dais. Not opposed to having a scripted response related to the cases, but not in favor of the non-disparagement agreement due to enforcement issues.

Commissioner Corey Runte spoke about not agreeing because the only time there would be financial and enforcement issues is if someone sued for disparage. A disparage agreement is a very basic thing that is added to legal agreements all of the time.

Nathan Meloon, Mayor Alison Dennington's attorney, spoke about how what is said on the dais is privileged, so it would create enforcement issues for a non-disparagement agreement.

Mayor Alison Dennington spoke about not not being in favor of it, but there is a timing issue because there is a trial in two weeks. She does want to move forward and does not plan on disparaging anyone.

Commissioner Corey Runte spoke about there not being a timing issue because the agreement can be approved with the addition of a non-disparagement agreement which is a very common template that would not need to be customized but would make it legally binding.

Commissioner Adam Meyer asked if there were any other concerns to add to the agreement.

Commissioner Corey Runte asked if the Commissioners agreed with a non-disparaging clause.

Commissioner Marivi Walker spoke about being fine with the clause.

Vice Mayor Sherri Quarrie spoke about not hanging her hat on the non-disparagement agreement but agrees that the Commission needs to stop talking about it.

Outside Appointed Counsel Clifford Repperger spoke about how he does not think you can put a generalized non-disparagement clause in this agreement because this is a governing body and things can get heated at times, so this agreement would be waved at each other all the time unless you narrow down the scope. If that is what the Commission wants they can make a motion with the addition of adding that narrowed clause for the other party to decide to accept it or not.

Mayor Alison Dennington spoke about having a stock statement that all parties could only say if anyone brings up the cases.

Commissioner Adam Meyer asked a question about a hypothetical scenario. If in a future meeting, there is a discussion on public records requests and someone on the dais says to another person on the dais you are an idiot for that thought would that fall under the non-disparagement agreement because the statement was about public records requests?

Outside Appointed Counsel Clifford Repperger spoke about that is an example of his concern of a broad non-disparagement clause that someone might say you violated it. This is why maybe doing what the Mayor suggested with a scripted statement would be better.

Vice Mayor Sherri Quarrie asked how the non-disparaging agreement would interact with the code change discussion about sheds.

Outside Appointed Counsel Clifford Repperger spoke about the discussion would be specific to the code change not to the case.

Brief recess at 9:53 pm to allow Mayor Dennington to speak with her attorney in private.

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro
Outside Appointed Counsel Clifford Repperger
Building Official Robert Bitgood
Fire Chief Gavin Brown
Town Clerk Amber Brown

Nathan Meloon, Mayor Alison Dennington's Attorney, spoke about having the same position as before that the best way to address everyone's concerns is to have a prepared statement in response to any questions. Should the Town not approve that, he looks forward to working with Mr. Repperger and going to the hearing on the 30th.

Commissioner Corey Runte spoke about how his position has not changed.

Commissioner Adam Meyer made a motion to move forward as is; Motion failed for a lack of a second.

Commissioner Corey Runte made a motion to approve the settlement agreement with a condition of a mutually agreeable non-disparagement agreement as discussed; Motion failed for a lack of a second.

Outside Appointed Counsel Clifford Repperger spoke about recommending the Commission approve the agreement as is, and thinks the Town would be making a mistake by not approving the agreement.

Commissioner Adam Meyer made a motion to approve the agreement as is; Commissioner Marivi Walker seconded, Motion carried 4-0 with Mayor Alison Dennington abstaining

Tina Coppock – 505 Avenue B

Tina Coppock spoke about being so happy as a taxpayer that we are trying to move forward. Do all of the thirty or so parties that are listed have to agree? The terms of this agreement are not online. In the shed case that is being stayed for six months, the Mayor would not be getting preferential treatment and would have to follow what everyone else has to do. So the long and short is that this settlement agreement is separate from what the rest of the Town has to do.

Outside Appointed Counsel Clifford Repperger spoke about there being a Release and Waiver of Liability and Covenant Not to Sue of the named parties that are in the agreement. Those parties are being represented under the Town's umbrella, so the expectation is that those parties will fulfill it. If anyone does not agree they would be on their own if this agreement is approved. This has no precedential value beyond the agreement.

Frank LaGrassa – 412 First Ave

Frank LaGrassa spoke about understanding why Mayor Dennington's attorney is concerned with a non-disparage agreement. Someone could claim she disparaged them, and now there is a lawsuit that she has to pay for herself whereas the taxpayers would be paying for the Town.

13. Administrative Reports

A. Town Manager

No additions

14. Commission Reports

15. Task List

16. Public Comment

17. Adjournment

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

Meeting adjourned at 10:09 p.m.

ATTEST:

Alison Dennington, Mayor

Amber Brown, Town Clerk

Town of Melbourne Beach

TOWN COMMISSION WORKSHOP JANUARY 16, 2024 MEETING COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro

Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 10:48 a.m.

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro

Finance Manager Jennifer Kerr

Building Official Robert Bitgood

Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

4. New Business

A. Interview legal services candidates

1. Andrew Mai with Fishback Dominik, LLP at 10:30 am

Town Manager Elizabeth Mascaro spoke about attempting to contact Andrew Mai related to his interview which was scheduled at 10:30 am. His office advised there was a miscommunication when scheduling this interview.

Commissioner Corey Runte spoke about the miscommunication and scheduling conflict as a representation of the law firm, but he would be willing to allow the Town Manager to do a video interview with the candidate if they were willing.

Mayor Alison Dennington spoke about things happen, but it was not a great first impression.

Town Manager Elizabeth Mascaro spoke about receiving an email response confirming the interview date and time from both candidates.

Vice Mayor Sherri Quarrie asked for the confirmation emails to be added to the record since there is only one candidate should this be postponed to receive more.

Town Manager Elizabeth Mascaro spoke about having a third applicant, but he did not reply to the email. The RFP was open for about two weeks.

Commissioner Adam Meyer spoke about wanting to interview the next candidate and then determine if he would be a good fit. He wouldn't automatically get it just because he is the only candidate. The law firm has a lot of experience with municipal law, however, our main attorney has only practiced municipal law since June, so would they charge for him to do work and then have a senior attorney review his work?

Mayor Alison Dennington spoke about the law firm being very qualified.

Commissioner Corey Runte spoke about going through due process and if the last candidate is qualified and meets all of the Commission's expectations he would be in favor of hiring them. He is not in favor of opening it back up if the law firm meets all of the Commission's expectations.

Mayor Alison Dennington spoke about agreeing with Commissioner Corey Runte.

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

2. Ryan Knight with Shepard, Smith, Kohlmyer & Hand, P.A. at noon

Mayor Alison Dennington called the meeting back to order at 11:48 a.m.

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington
 Vice Mayor Sherri Quarrie
 Commissioner Corey Runte
 Commissioner Marivi Walker
 Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro
 Finance Manager Jennifer Kerr
 Building Official Robert Bitgood
 Town Clerk Amber Brown

Drew Smith who is a partner of the law firm spoke about interviewing with the Town 16-17 years ago. He and Cliff Shepard started the law firm in 2008. He has been working with Cliff since 2002 at a previous law firm. Since then he has represented many municipalities. He spoke about Ryan coming to the firm eight months ago and they are confident in him.

Ryan Knight who would be the named Town Attorney from the law firm spoke about how before he joined the firm he was in construction defect and dealt with litigation. He was looking for a change and has loved the change. He became a public defender out of law school then construction defect law and then joined this law firm. He was born and raised in New Smyrna Beach.

Mayor Alison Dennington asked since there is drive time how would you maximize that time. For example, would you use that time to dictate?

Ryan Knight spoke about how he does not typically dictate. He usually would use the time to return phone calls. The drive time is not billed only mileage would be reimbursed.

Vice Mayor Sherri Quarrie asked about his familiarity with land use, sunshine law, and public records.

Ryan Knight spoke about dealing with a land use issue recently in New Smyrna Beach. He argued and filed the brief for it and won. He is not as familiar as Drew is with those aspects, but he could go to him as a sounding board.

Drew Smith spoke about all new lawyers that come on first go through Ethics, Sunshine, and Public Records law. Everyone still refers to the books because the laws are constantly changing.

Vice Mayor Sherri Quarrie asked if multiple people would be billing for something.

Drew Smith spoke about if it is duplicating the work they would only charge for one, but if multiple people are working on separate aspects of something then they would each bill for it.

Commissioner Corey Runte spoke about how the law firm's government experience is significant. Would you be able to use your resources and knowledge from working with other municipalities to save Melbourne Beach money?

Ryan Knight spoke about the first thing he does is check with everyone in the office if they have dealt with a similar situation to help. If no one has then he would start doing research into other jurisdictions.

Drew Smith spoke about how his law firm has worked with several coastal communities that have different issues than inland municipalities which is helpful. He spoke about being able to speak from the Town Attorney's stance versus peer-to-peer and what other municipalities have done.

Commissioner Corey Runte spoke about contacting the City Manager of Satellite Beach and they had good feedback.

Commissioner Marivi Walker asked what attracted you to apply for this position. Our Town is so small and there is so much going on in Tallahassee that could severely affect our Town. What could your law firm do to help with that?

Ryan Knight spoke about being born and raised on the coast in a small community that has now grown and is no longer what it used to be. He spoke about this being a great opportunity for him to help out a community similar to where he grew up.

Drew Smith spoke about the law firm's standpoint on how they do not distinguish between the sizes of the municipalities. Small municipalities have the same issues as larger municipalities. The smaller municipalities need a law firm probably more so because they cannot have a whole legal department like the big municipalities. Every Town is unique and has its own character and every time Tallahassee chips away at Home Rule they are chipping away at the municipalities abilities to be unique. They like helping small towns most of all.

Commissioner Adam Meyer asked about their experience with Short Term Rentals.

Drew Smith spoke about a small community inland called Edgewood that never had an issue with short-term rentals, but now they do. His law firm is dealing with the issue right now. All of the communities in that Town have HOAs and one HOA missed the deadline to recertify their HOA documents, so now they went to the Town to help them. All of the HOAs have a minimum 30-day rental. They are working with the code enforcement department on how to prove there is a rental in violation. It's all about building the case. Flagler Beach hired him in 2008 at the end of a short-term rental issue. He has been representing municipalities to prosecute short-term rentals since 2009. Each jurisdiction is slightly different when it comes to short-term rentals, but they are similar.

Ryan Knight spoke about having similar issues at other municipalities.

Mayor Alison Dennington spoke about being interested in the law firm because of the wealth and experience but is slightly concerned because most of the answers are coming from Drew. Asked Ryan how he would handle providing a client the answer they need to hear rather than the answer they want to hear during a public meeting.

Ryan Knight spoke about dealing with those issues for the last 8 months since he has been attending municipal meetings. He is familiar with that and can speak indirectly versus directly. There are ways to work around issues.

Drew Smith spoke about Ryan attending a lot of meetings since he started. He attends three meetings every other week. His law firm is very protective of clients when they hire new lawyers. The law firm does not need to worry about sending Ryan to meetings. Ryan knows when to speak and when not to and how to speak. The law firm would not have Ryan put the proposal in if they did not feel he could do it. They send Ryan to the easy and hard meetings because he can do it.

Mayor Alison Dennington asked if he would be comfortable during a meeting saying he is not prepared to answer a question, but will research and get back to them.

Ryan Knight spoke about being able to determine when to speak up and when not to, and sometimes saying he will get back to them is the best answer.

Mayor Alison Dennington asked about how they would handle the use of email related to public records. Do you have a policy about emails that are confidential versus public records? Do you often get calls from individual commissioners?

Ryan Knight spoke about how the law firm does not have a formal policy, but they have an informal policy that they know every email that is sent to a public official will be public record, so if there is sensitive information he would call first before sending an email and explain what will be in the email and what will not.

Drew Smith spoke about how it depends on the municipality and topic if they contact the law firm or not. Some municipalities have strict guidelines on who and when to contact the attorney. The law firm will do whatever the municipality wants. It is easier to look at possible confidential items since things are sorted by matter.

Vice Mayor Sherri Quarrie asked if they are familiar with and following the proposed legislation related to short-term rentals.

Drew spoke about how he has followed it and read it and he has spoken with many entities about it. Florida League of Cities is opposed to it because there is a preemption. Local government is the best government, so anything against that is not good. However, there are some benefits to it such as being able to track rentals and prosecute through code enforcement. There is no perfect solution.

Mayor Alison Dennington asked how many municipalities they represent that did not have a short-term rental ordinance before the preemption.

Drew Smith and Ryan Knight spoke about there being two municipalities.

Commissioner Corey Runte spoke about how our municipality will be dealing with short-term rentals, sustainability, hardening projects, sea level rise, stormwater, and coastal concerns, but a bigger part being land use and zoning. Ryan's experience with construction is huge. What is Ryan's experience in land use, zoning, and land development code?

Ryan Knight spoke about not having a lot of experience in that, but he would lean on Drew for land use issues, and Drew would lean on him for construction-related issues.

Commissioner Adam Meyer asked who would be attending the various meetings of the Town.

Drew Smith spoke about how typically it would be Ryan or Drew attending the meetings unless something comes up then it could be someone else in the firm. Depending on the issue or meeting one of them might be more familiar with it, so that person would attend. Drew has a lot of experience with Code Enforcement, so he might attend those meetings. The law firm would send the best person for the issue that day, but typically it would be Ryan.

Mayor Alison Dennington spoke about everyone else in the firm being board-certified. Does Ryan plan to become certified and what does that entail? What were his three favorite classes in law school?

Ryan Knight spoke about as soon as he is eligible he will apply to be certified. Criminal Procedure, Torts during the second semester, and Constitutional Law.

Drew Smith spoke about working towards board certification as a requirement within his law firm.

Vice Mayor Sherri Quarrie thought the DBPR requirement in the bill would only apply to the large corporations, not the mom-and-pop rentals. Would the bill give the Town more teeth?

Drew Smith spoke about under current law if any rental is rented three times per year then they need to be registered through DBPR whether you are Airbnb or just a mom-and-pop rental. If the State did what they said they were going to do there wouldn't be as many problems. It wouldn't allow municipalities more teeth, but it would make prosecuting them through code enforcement a lot easier.

Vice Mayor Sherri Quarrie asked if there had been anything about limiting the amount of rentals in an area.

Drew Smith spoke about to his knowledge nothing like that has made it into a bill. The Attorney General was asked if a municipality can limit it and the Attorney General advised no they cannot do that.

Mayor Alison Dennington spoke about Airbnbs being an intense concern for our residents. Would like the Town's current code reviewed to tighten up the Code and create a handbook for our residents and police on what they can and cannot do. If that is what the Commission would like to do, would that be something the firm could create, and how quickly?

Ryan Knight spoke about if that is a priority of the Town then yes that is something they can do.

Drew Smith spoke about having experience related to short-term rentals, so he has done something similar for another municipality. That is something they can do. If there is a hot topic like that where educational material is helpful they could ask their other clients if they would like to participate as well to split the cost among the municipalities.

Town Manager Elizabeth Mascaro asked if Ryan would be the point of contact for her.

Ryan Knight spoke about yes he would be the point of contact. Normally you would email him and CC Drew in case he is in a meeting then Drew can respond.

Town Manager Elizabeth Mascaro spoke about it being helpful when the Town has questions we need a clearer response, or tell us what will happen if we do something. Sometimes in the past, it has been so wishy-washy. Maybe something like being able to take the attorney hat off and speak frankly. It has taken years to get residents to understand the preemption and that it is not the Town that is doing this.

Commissioner Corey Runte spoke about wanting a clear and concise definitive attorney who is not afraid to give the response during a meeting to the dismay of the public.

Mayor Alison Dennington spoke about not giving an answer that you are not sure about.

Ryan Knight spoke about how he would not have a problem saying he would need to do some research on that topic.

Drew Smith spoke about Ryan being the number one second chair for all of the municipalities, so a lot of the time Ryan gets those questions and has to deal with local municipalities a lot.

Town Manager Elizabeth Mascaro spoke about personal property rights has come up a lot recently. The Town Commission may not know if something is against the law and cannot speak up against it, so is that something you would speak up about? If something unlawful is said and we don't react people think it isn't against the law because we didn't say anything.

Ryan Knight spoke about being able to speak up against unlawful things. He said you can ask him to elaborate on a topic and he will.

Drew Smith spoke about the importance of nonverbal communication. They are careful not to jump into something the Commission does not want them to, but they might give eye contact to the Commission to communicate that they have a response to something.

Mayor Alison Dennington spoke about wanting to listen to a recording of a meeting that Ryan has attended. Is there a meeting that she can go and listen to?

Ryan Knight spoke about Eatonville, Fort Meyers CRA, and Dunnellon.

Vice Mayor Sherri Quarrie asked who the point person is for other municipalities because our Town Manager is the point person for Melbourne Beach.

Drew Smith spoke about the Manager being the point of contact for all of the municipalities that have a council-manager form of government.

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.

6. Adjournment

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

Meeting adjourned at 1:03 pm.

ATTEST:

Alison Dennington, Mayor

Amber Brown, Town Clerk

Town of Melbourne Beach

TOWN COMMISSION WORKSHOP JANUARY 3, 2024 MEETING COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie left at 9:15 pm
Commissioner Corey Runte left at 9:50 pm
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington 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.

Jim Simmons - 409 Avenue B

Jim Simmons spoke about how the now Mayor has submitted a lot of public records requests to the Town most of which are quite extensive.

Mayor Alison Dennington spoke about not agreeing with the characterization.

Kate Wilborn - 502 Second Ave

Kate Wilborn asked Commissioner Adam Meyer to sponsor an agenda item regarding stormwater on Second and Pine and if the Town accepts funds for the boat ramp it can prevent the Town from making it residents only.

Commissioner Adam Meyer spoke about how he would reach out to Kate to get more information about it.

5. New Business

A. Discussion on board member applications

Mayor Alison Dennington spoke about receiving three applications for the Board of Adjustment which has two alternate positions open.

Commissioner Adam Meyer spoke about receiving one application for the Planning and Zoning Board which has one alternate position open.

Kate Wilborn – 502 Second Ave

Kate Wilborn spoke about being one of the candidates who applied for the Board of Adjustment. She spoke about wanting to preserve the Town the way it is, and has read through a lot of the code, and being very qualified to be a resident on the Board.

Mike Krajic – 2103 Neptune Dr

Mike Krajic said a prayer and spoke about being one of the candidates who applied for the Board of Adjustment. He spoke about having a psychology degree, worked at the post office for many years, and being a landlord. He spoke about not knowing the code but would familiarize himself with it. Thinks he would be a good candidate for the position, but if he would be better in a different position he would think about it.

Mayor Alison Dennington spoke about Timothy Flint being the last candidate and he is not here tonight, but was at the last Town Commission Meeting and did speak then.

Jason Judge – 206 Flamingo Ln

Jason Judge spoke about being the candidate who applied for the Planning and Zoning Board. He spoke about wanting to become more involved in the Town. He has not read the code other than the parts that apply to him but would familiarize himself or ask people who are more educated about it. He applied for the Planning and Zoning Board because it is an advisory board and he does not think he would be qualified for the Board of Adjustment yet. He spoke about previously serving on the Towns Parks Board. He would only vote for things that would be in the best interest of the Town, not him personally.

Jim Simmons – 409 Avenue B

Jim Simmons spoke about there being misinformation about what Boards are held to ex parte communications. Ex parte communications is for quasi-judicial proceedings. The Planning and Zoning Board does not conduct any quasi-judicial proceedings they are only an advisory board that is subject to the Sunshine law but is not subject to ex parte communications. The Commission is subject to ex parte communications when they are reviewing a rezoning request or any other quasi-judicial request. He spoke about having experience and training on the topic.

Mayor Alison Dennington spoke about that being Jim Simmons's opinion and he is not a lawyer.

Tina Coppock – 505 Avenue B

Tina Coppock asked if there is any requirement to be a lawyer to be on any of the boards. If not the lawyer comment was uncalled for.

Frank Thomas – 606 Atlantic St

Frank Thomas spoke about being here for several years. There was a wonderful New Year's history walk with approximately 150 people. The money from the sale of his books goes to the Town for the History Center.

B. Consideration to repeal Ordinance 2023-02 – Second Kitchens

Mayor Alison Dennington spoke about putting this item on the agenda, and that there is a moratorium on permitting second kitchens. She spoke about repealing the granting of permits then they can redo it if needed. On one hand some families may need a second kitchen, but on the other hand, we do not want to allow a house to be rented to multiple families. An option is doing it by development order because that follows the land. Suggested repealing the ordinance and then redoing it by development order. No one would be able to come back later to argue it. In the future legislature might change to allow multiple families if there are two kitchens.

Commissioner Adam Meyer asked how a development order works.

Commissioner Corey Runte spoke about how the only change to the code was to allow the voltage for an oven. To get a permit for a second kitchen you have to have a homestead. A development order would be part of the building permitting process. To make any changes we need an attorney.

Mayor Alison Dennington spoke about setting up a joint meeting with Planning and Zoning, the Town Attorney, and the Commission. A development order would provide even more protection. Residents have a fear that single-family homes will turn into multi-family. It's possible that legislature in the future may take away more of home rule.

Town Manager Elizabeth Mascaro spoke about the ordinance does not need to be repealed, but rather amended, and the Town Attorney did feel a development order is a viable option. She read an article about eight states in the north that have done away with single-family zoning and height requirements statewide, so there is that potential as home rule gets dwindled.

Vice Mayor Sherri Quarrie spoke about when we have legal counsel she would like to know what else might be coming that would affect home rule.

Commissioner Corey Runte spoke about the agenda item title being a little aggressive. Maybe change the title to consideration to review or amend.

Mayor Alison Dennington agreed with Commissioner Corey Runte on the title.

Dan Harper - 418 Avenue B

Dan Harper spoke about how during the first reading it required an attached common wall. After the first reading, that requirement was removed and he believes that would be considered a substantial change and would require an additional first reading so it was not noticed properly. Another thing is there are almost zero constraints such as location on the lot, off-street parking, or maximum size.

Vice Mayor Sherri Quarrie spoke about not needing the ordinance to stipulate setbacks because that is already covered in the code.

Xochitl Ross – 1106 Atlantic St

Xochitl Ross spoke about lots that are currently non-conforming. If a non-conforming lot does not change the footprint could you put in a second kitchen? It is very nice to have multigenerational but maybe add a yearly renewal process.

Building Official Robert Bitgood spoke about the Town Planner stating you cannot make a non-conforming lot more non-conforming.

Mayor Alison Dennington spoke about amending the ordinance to include the development order and a yearly renewal process. Asked the Building Official what he thought of the yearly renewal inspection.

Building Official Robert Bitgood spoke about getting legal counsel's opinion because as the Building Official, he cannot inspect someone's home for no reason.

Vice Mayor Sherri Quarrie spoke about the County's process requires a homestead and yearly renewal.

Frank LaGrassa - 412 First Ave

Frank LaGrassa asked if someone who has a homestead exemption lives in their home for six months and a day and is gone for the rest of the year but runs an Airbnb in their home. Would they be able to do that?

Jeff Fischer - 509 Harland Ave

Jeff Fischer spoke about how maybe the issue is not being addressed properly. There are a lot of emotions but no data. Get data first and find out if there truly is a problem.

Jim Simmons - 409 Avenue B

Jim Simmons spoke about how a development order can be more enforceable. Without a development order, if the Building Official goes into someone's home because of what the previous owners did there is going to be a lawsuit. A development order is signed and approved by the Commission, becomes part of the property records, and filed with the County, so anyone who buys the property they are given that information as part of a title search. If the new Town Attorney approves it that would be the most enforceable.

Haley Conrad - 2011 Oak St

Haley Conrad asked before the ordinance changed how many people applied for a second kitchen. Why couldn't a second kitchen application be a hardship application to the Board of Adjustment?

Commissioner Corey Runte spoke about there being no applications, but there were Code issues to where Planning and Zoning asked for clarification on the code. A hardship application to the Board of Adjustment is hard to get, very expensive, and a long process.

Mayor Alison Dennington spoke about being on the right track and continuing to plug the holes.

Kate Wilborn – 502 Second

Kate Wilborn spoke about the first thing someone does if they have aging family members or special needs children is unplug the oven. There might be an issue with the fire code.

Xochitl Ross – 1106 Atlantic St

Xochitl Ross spoke about part of the County's application process is that no part of the property can be rented out. There is no data and no way to collect the data.

C. Consideration of hiring a Deputy Town Clerk

Vice Mayor Sherri Quarrie spoke about a deputy town clerk position being proposed by a previous Town Manager and the position was part-time building and part-time deputy clerk. A deputy clerk would not be a cost savings. It would triple the cost of that department. When the software is up and running it will be more efficient and cheaper than a deputy clerk. It would also have a side effect of increasing taxes.

Mayor Alison Dennington spoke about needing a deputy clerk even if it is only part-time. When the Clerk goes away for training no one fills in. There is a major backlog of records and has been for years. The Town Clerk needs help, she is overloaded. Even Melbourne Village has a deputy clerk. You don't catch up when you are behind by being understaffed. It could be a couple of years before we get caught up and then maybe we won't need the deputy clerk anymore.

Commissioner Corey Runte spoke about already purchasing software to help process public records requests, and not having a public records issue until the Mayor moved to town, not being in favor of spending taxpayers' dollars for a self-serving personal assistant that is not needed.

Mayor Alison Dennington spoke about it being the duty of the Town to provide records and transparency. The Clerk is the keeper of the records and it is the people's right to be able to ask for records. There is a backlog regardless of who it is from it has always been and will always be the Town's duty to have access to public records. It is not a waste of money to have someone part-time for a while even if it is a contract position at least until things get caught up. Asked the Town Clerk if she thought one would be helpful and if there were easy things that could be delegated to a deputy clerk. We have a great Town Clerk, but if she gets too overburdened she might decide to go work somewhere else.

Town Clerk Amber Brown spoke about there are things that she could delegate out.

Commissioner Marivi Walker asked the Town Clerk how far behind she is on public records requests. Not in favor of hiring a deputy clerk just to catch up on Ms. Dennington's public records requests she would rather hire more police. Under normal circumstances, she thinks the Clerk can handle the job by herself.

Town Clerk Amber Brown spoke about there being a few public records requests from the public that are outstanding in addition to the list. Public records requests in general could be manageable, but that is not the only aspect of the Town Clerk's position. A lot of other things are behind because the Clerk has to manage her time accordingly.

Commissioner Adam Meyer spoke about needing more information to see real costs and find the best way to solve the issue. Fixing the problem should be the priority regardless of where or who the problem is coming from.

Mayor Alison Dennington spoke about how hiring another employee is a big deal, but getting caught up is important.

Vice Mayor Sherri Quarrie spoke about how a deputy clerk is not going to fix the problem.

Mayor Alison Dennington spoke about how there are grants for scanning, and the State has an archive that will store the originals and provide a digital copy.

Tina Coppock – 505 Avenue B

Tina Coppock spoke about as a government employee you will never be caught up, doesn't like the idea of increasing the budget, and likes the idea of having someone temporarily to get caught up, a contracted person that is not an employee of the Town, so you don't have to pay benefits. If the backlog was caught up would that satisfy the Mayor's lawsuit to save money in legal fees?

Kate Wilborn – 502 Second Ave

Kate Wilborn spoke about senior projects or college students who could do the scanning.

Mayor Alison Dennington spoke about how the records are too fragile and sensitive to have high school kids scanning them, but maybe there is a list of things the Clerk could hand off to someone else.

Jeff Fischer – 509 Harland Ave

Jeff Fischer spoke about how he believes in government transparency, and being disturbed with not having a schedule for a contract, do an independent manpower study to see if the Clerk needs help.

Mayor Alison Dennington spoke about now that people have stated we do not need the help now the Clerk may not feel comfortable asking for help.

Steve Walters - 416 Sixth Ave

Steve Walters spoke about up until 4 years ago there was a town clerk and a deputy town clerk. In the last four years, we have had three town clerks. If you read the previous two town clerks grievances you will see the Manager is the problem. The town staff for the first time was off for an entire week from Christmas to New Year's. The Town Clerk has been with the Town long enough to get three weeks of paid vacation per year, so who is going to cover when she is on vacation? Also, for public records requests you are charged for anything over the first 15 minutes.

Commissioner Corey Runte spoke about Nancy Wilson and Pat Burke leaving because of Mr. Walters.

Paula Panton – 809 Riverside Dr

Paula Panton asked how much the scanning software costs, when was it implemented, and what does it do to help the Town Clerk. Someone said a deputy clerk wouldn't be doing the scanning and neither would the Town Clerk, so it seems the software wouldn't affect her job. The software is to help residents view documents, so she does not understand how the software will help the Town Clerk do her job. Has anyone asked the Town Clerk if she needs

help? There is nothing worse than being short-staffed so you can't service your customers. The residents are the customers of the Town. Do a study to see if the Town Clerk needs help, and if so get someone to help part-time, full-time, or contracted employee. We are saving money by getting a new police chief, and a new town attorney, and we haven't had a deputy clerk in a few years. When the Town Clerk is gone does anyone answer her phone? Can those calls be forwarded to the utility employee?

Commissioner Corey Runte spoke about how the software will help when people public records request records that they now already have access to online.

Town Clerk Amber Brown spoke about the contract was approved in May of 2023, from there the Town Clerk met with the company weekly to build the software, after the software was finished they picked up scanning project 1 in October or November, first they had to put together a sample of the records to scan for approval, after that they will start scanning the records. They are currently putting together the sample for approval.

Town Manager Elizabeth Mascaro spoke about being responsible for town personnel and no one has asked her what the town needs. The deputy town clerk had always been an employee who supported and was paid through all of the departments. There is very little that cannot be signed by other individuals, and the Clerk is entitled to vacations which can be an inconvenience but the town is small. The town needed someone to support all of the departments not just the legislative department, so the town has a full-time employee at the front desk who acts as a utility employee by helping out with all of the departments. The town does not have another office or computer for another employee. If someone calls when the Clerk is gone they can leave a message or call back.

Mayor Alison Dennington spoke about having the Clerk come up with a list of things that someone else could do that would require little training.

Commissioner Marivi Walker spoke about the request for a deputy clerk came from the Mayor not from the Town Clerk or the Town manager.

Mayor Alison Dennington spoke about the Town Clerk has stated a deputy clerk would be helpful.

Commissioner Marivi Walker spoke about if the Town Clerk needs help then she needs to go to the Town Manager, and they need to figure it out and bring it to the Commission.

Haley Conrad - 2011 Oak

Haley Conrad asked what Cyd's title is and if Cyd is available while the Town Clerk is out of the office then have phone calls and emails forwarded to Cyd.

Town Manager Elizabeth Mascaro spoke about Cyd's title as Administrative Assistant.

D. Consideration to repeal Exemption for Owner-Occupied Vacation Rentals

Mayor Alison Dennington spoke about how there should not be an exemption for owner-occupied vacation rentals. They should have to go through the same process. Maybe the fees are less, but still make them subject to the same process.

Commissioner Corey Runte spoke about in short he agrees.

Vice Mayor Sherri Quarrie spoke about finding a Flagler County ordinance that went through the courts and modeled it after that. The registration process is from the standpoint of safety and if the owner lives there those same safety concerns are not there. You can't violate someone's private property rights.

Mayor Alison Dennington spoke about the safety issues should apply if you are renting the whole house or just part of it. Thinks the town can say if you rent out any part of your home then you have to go through the registration process.

Commissioner Corey Runte spoke about how there should be an application process and a reduced fee, but not the inspection. The important part is to be able to track them.

Commissioner Adam Meyer spoke about agreeing with the registration and fees.

Mayor Alison Dennington spoke about having the owner certify what parts of the house they plan to rent because that is what would be inspected.

Commissioner Marivi Walker asked if the Building Official would be able to legally inspect this. The inspection is a no-go.

Building Official Robert Bitgood spoke about not being an attorney, but that he would not do that inspection because that is a slippery slope with going into someone's private residence. The way the statutes are right now it would end in a lawsuit.

Vice Mayor Sherri Quarrie spoke about it being a lawsuit waiting to happen and a violation of property rights. The town should not be able to track them.

Town Manager Elizabeth Mascaro spoke about it being against the code to live in your pool house.

Tina Coppock - 505 Avenue B

Tina Coppock asked why create a mountain out of a molehill if there have not been any issues for owner-occupied rentals. Why make an owner-occupied rental do more than longer-term rentals? The real problem is the absentee owner.

Mark McBride - 310 Second Ave

Mark McBride spoke about complaining about his next-door neighbor who is an owner-occupied short-term rental. This is the fifth time he has come to the Commission. You should not cut them a break. It is a business. Make it as difficult as possible. He does not want Melbourne Beach to become a vacation rental destination.

Frank LaGrassa - 412 First Ave

Frank LaGrassa spoke about how he was in real estate for 3 years and people do stay in pool houses, long term rentals can be just as bad, but he would choose them over short-term rentals any day.

Cynthia LaGrassa - 412 First Ave

Cynthia LaGrassa asked why owner-occupied rentals are exempt from the entire ordinance. The homestead exemption will not fix the problem; they should not be exempt.

Commissioner Marivi Walker spoke about the registration and fees are fine, but the problem is enforcement.

Commissioner Sherri Quarrie left at 9:15 pm.

E. Discussion on short-term rentals and state pre-emption

Paula Panton - 809 Riverside Dr

Paula Panton asked about the State Statute. There should be a registration process and the fee should not be reduced. Renting part of the home is a business can you do that and have a homestead exemption? Make it as difficult as possible. We don't have the infrastructure. Do whatever we can to prevent more people.

Mayor Alison Dennington spoke about the pre-emption said that if you did not have any regulations to limit or prevent short-term rentals then you could not create one. There is a proposed bill right now that will chip away at home rule related to short-term rentals again. She spoke about starting the process of creating a network of a bunch of other towns to work on a citizen initiative constitutional amendment. She has spoken with other Mayors and they agree. Other states have gotten rid of single-family zoning and it will be coming to Florida.

Mark McBride – 310 Second Ave

Mark McBride spoke about looking at what has worked in other places such as Cocoa Beach and Redington Beach. He asked if the Melbourne Beach vacation rental ordinance is enforceable because it says all vehicles must remain on the property and a maximum occupancy of 12 people. If the police can enforce it that would be helpful. He provided and reviewed a document with 7 ways to tighten the Town's ordinance.

Anne McBride – 310 Second Ave

Anne McBride spoke about emailing the information to the Commission months ago and she never received a response. They have been having the same problems.

Roger Newell – 506 Colony

Roger Newell spoke about when he had issues with his neighbors he was told all of the things that couldn't be done. Things were not being enforced. Trash cans were out for months, and vehicles blocking the road. DBPR told him to stop contacting them. It is very easy to take care of we just need to enforce it. There were visible safety issues and no one has done anything about them, but now it has become a long-term rental.

Commissioner Corey Runte spoke about how the town did do a lot. The fire department inspected the property and did not see any safety concerns, and the town was able to get the property turned into a long-term rental which he sees as a win.

Mayor Alison Dennington spoke about creating a hotline to be able to report violations for Airbnb's and create a handout of everything that is enforceable for vacation rentals so we can start writing citations. Maybe do some training with the police.

Jennifer Ottomanelli - 510 Avenue A

Jennifer Ottomanelli asked if the police department still has a non-emergency line. If they do why not use that instead of creating something new that already exists?

Gabor Kishegyi – 221 Surf Rd

Gabor Kishegyi spoke about short-term and long-term rentals should have an inspection.

Jeff Fischer - 509 Harland Ave

Jeff Fischer spoke about an Airbnb is a business so there should be a way to inspect it. There should be a way to craft language to require everything to be brought up to the current code as part of the registration process because we are an older town and it might be very difficult to get some homes up to the current code all around.

Building Official Robert Bitgood spoke about proposed legislature changes to limit the amount on fees, so then it would cost the Town money to do the inspections. Wait to see what passes this legislative session.

Anne McBride – 310 Second Ave

Anne McBride spoke about why wait until the legislation changes when something should have been done years ago. Isn't that what happened with the pre-emption? Something needs to be done now.

F. Discussion on stop signs

Mayor Alison Dennington spoke about wanting to discuss what the process is to put in stop signs.

Commissioner Corey Runte spoke about wanting to wait until the traffic studies come in to make any decisions.

Commissioner Corey Runte left at 9:50 pm.

Kate Wilborn – 502 Second Ave

Kate Wilborn spoke against the stop signs on Riverside Dr. Asked the Commission who is in favor of removing the stop signs.

Commissioner Marivi Walker spoke about at the moment she is not in favor of removing them.

Commissioner Adam Meyer spoke about being in favor of removing them.

Mayor Alison Dennington spoke about being in favor of removing them.

Mayor Alison Dennington spoke about Chapter 30 of the Town Code about the town appointing someone to function as the traffic engineer. The town code allows the town to install stop signs without a licensed engineer, but it should be brought to the Town Commission for approval. Who, how, and when was someone appointed as the traffic engineer? When we have a town attorney we need to verify they were installed in the right way, and if they weren't would they need to be removed?

Town Manager Elizabeth Mascaro spoke about how the Chief of Police has historically been that person, so as the Chief of Police Melanie Griswold would be the Town's traffic engineer. The Town does not have to get permission from the Commission to install stop signs. That is up to the discretion of the Police Chief, Town Manager, Public Works Director, and Building Official. They were installed as a safety measure, not a speed measure. It was to prevent vehicles from passing on the left or right.

Mayor Alison Dennington spoke about when we get an attorney have them see if we did follow the code and then have them put together a document about what the town needs to do to install stop signs.

Town Manager Elizabeth Mascaro spoke about the intent of the code was to have someone responsible for traffic control.

Commissioner Adam Meyer spoke about how to remove the stop signs it would just take a majority vote by the Commission.

Mayor Alison Dennington spoke about how the traffic engineer could remove them.

Town Manager Elizabeth Mascaro spoke about there being residents who like the stop signs; they just do not show up to the meetings.

Jeff Fischer - 509 Harland

Jeff Fischer spoke about not having a feeling either way, but if the Town didn't follow the process take them out. The Police Chief is not an engineer. Have an engineer do a study and then decide if they need to be installed. He would like to hear from the Police Chief to hear what the process was.

Dawn Barlow - 1710 Pine St

Dawn Barlow spoke about other stop signs that have been installed. What was the process for those, follow the process.

Jennifer Ottomanelli – 510 Avenue A

Jennifer Ottomanelli spoke about congestion that builds up there at the end of Avenue A. It is annoying and takes away the beauty of the river. The MUTCD says when to use stop signs and when not to. They are not supposed to be used for traffic calming. Use them when there is a high volume of traffic, high accidents, or if there is no visibility. There is nothing that supports the need for the stop signs.

Tina Coppock - 505 Avenue B

Tina Coppock spoke about walking a dog along Riverside Dr and noticed traffic has slowed down. She does not care either way but do not take them out just to put them back in.

Steve Walters - 416 Sixth Ave

Steve Walters spoke about other stop signs that were installed were voted on by the Commission. Read the MUTCD and the Hometown News where the Police Chief said she got with the Town Manager to install the stop signs.

Commissioner Marivi Walker spoke about how there is a problem with speeding, reckless driving, and passing on a double yellow throughout the whole Town. Maybe the stop signs are not the fix maybe ticketing left and right is, but there is a problem and something needs to be done about it. We do not have enough police to be everywhere in Town.

Paula Panton – 809 Riverside Dr

Paula Panton spoke about how she has never had anyone pass on Riverside Dr and people are not speeding. Fifteen percent of people do not follow traffic laws and will never follow them. Parents allow kids to ride electric bikes without helmets and don't stop at the stop signs.

Todd Albert - 1710 Pine St

Todd Albert spoke about the stop signs are inappropriate, and the speed bumps need to be removed.

Frank LaGrassa - 412 First Ave

Frank LaGrassa spoke about the Commission wanting to be responsive to complaints but ended up with a knee-jerk reaction.

Julian Leek – 905 Riverside Dr

Julian Leek spoke about vehicles overtaking on Riverside Dr, and traffic has slowed down since the stop signs were installed. If you want to remove them then go ahead, but it would not slow people down.

Mayor Alison Dennington spoke about after hiring a town attorney bringing this back to the Commission for a vote, and figuring out what the process should be moving forward to install a stop sign.

6. Adjournment

Commissioner Marivi Walker made a motion to adjourn; Commissioner Adam Meyer seconded; Motion carried 3-0.

Meeting adjourned at 10:32 p.m.

ATTEST:

Alison Dennington, Mayor

Amber Brown, Town Clerk

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING December 20, 2023 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Staff Members Present

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

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes

Commissioner Sherri Quarrie spoke about changing the meeting agenda section 12 new business items d, e, f, g, h and put them on a workshop.

Mayor Alison Dennington spoke about wanting to do the proclamation, parks board, and each item for public comment but have the department heads do a very brief summary to get to the items that people came here for. Move the following items: proposal for the audiovisual, the reappointment of Jim Simmons, and proposals for legal services to the end.

Commissioner Corey Runte disagreed with Mayor Alison Dennington's proposal. A lot of the items need to be discussed during workshops.

Commissioner Marivi Walker spoke about continuing the meeting by following the agenda.

Mayor Alison Dennington spoke about the department reports taking a while and people are here to discuss items that are at the end.

Commissioner Corey Runte made a motion to move items D through H of new business to a workshop for greater discussion; Commissioner Sherri Quarrie seconded; Motion carried 3-2 with Mayor Alison Dennington and Commissioner Adam Meyer dissenting.

5. Consent Agenda

- A. Approval of the Regular Town Commission Meeting Minutes November 15, 2023
- B. Reappointment of Board Members
 - 1. Reappointment of Haley Conrad to the Parks Board
 - 2. Reappointment of Danika Warren to the Parks Board
- C. Appointment of Board Members
 - 1. Appointment of Sabrina Cornelius to the Parks Board
 - 2. Appointment of Judy Lukeman to the Ryckman House Historical Preservation and Awareness Board
- D. Appointment of Non-Voting Members to Town Boards
 - 1. Appointment of Rebecca Stevens to the Parks Board
 - 2. Appointment of Julianne Samuel to the Parks Board

Commissioner Sherri Quarrie made a motion to approve the Consent Agenda; Commissioner Marivi Walker seconded; Motion carried 5-0.

6. Proclamations/Presentations/Awards

- A. Presentation of a proclamation commemorating 37 years of dedicated volunteer service to the Town of Melbourne Beach provided by Retired Fire Chief David Micka

Mayor Alison Dennington presented a proclamation commemorating 37 years of dedicated volunteer service to the Town of Melbourne Beach by Retired Fire Chief David Micka.

Retired Fire Chief David Micka spoke about joining the department as a stress relief from his work and encouraged everyone in the community to volunteer.

Brief Reception at 6:19 pm.

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
 Commissioner Sherri Quarrie
 Commissioner Corey Runte
 Commissioner Marivi Walker
 Commissioner Adam Meyer

Staff Members Present

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

7. Finance/Budget Report

Commissioner Sherri Quarrie made a motion to approve the finance/budget report as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

8. Department and Board/Committee Reports

A. Public Works Department

Public Works Director Tom Davis commended his crew for locating a sinkhole, identifying it was a collapsed corrugated pipe, and being able to solve the problem in-house. The estimated cost saving was about five to eight thousand dollars.

B. Building Department

Commissioner Adam Meyer asked for the report to include the address for new vacation rentals.

Mayor Dennington asked to include a list of all registered vacation rentals as part of the Building Department report, if there is a list of owner-occupied rentals, and spoke about those homeowners who could live in the house part-time and still rent rooms out.

Town Manager Elizabeth Mascaro spoke about the Town Code and possibly even the State Legislature allowing homesteaded properties to rent out rooms.

Commissioner Corey Runte spoke about discussing registering owner-occupied vacation rentals at a future meeting.

C. Code Enforcement

No additions

D. Fire Department

Fire Chief Gavin Brown spoke about a software issue, so he was not able to download the two reports that he normally provides.

E. Police Department

Mayor Alison Dennington asked about the Police Chief retiring, and when the RFP will go out.

Town Manager Elizabeth Mascaro spoke about the RFP will probably go out next week. The Police Chief is retiring on February 1st and is willing to be contracted until a new police chief is hired.

Commissioner Adam Meyer asked what the hiring process would be.

Town Manager Elizabeth Mascaro spoke about the applicants going in front of a review board, the review board narrows it down to 3-5 candidates, the board presents the candidates to the Town Manager, and the Town Manager brings the candidates to the Commission to interview.

F. Town Clerk

No additions

9. Public Comment (Non-Agenda Items)

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.

Tina Coppock - 505 Avenue B

Tina Coppock spoke about last month the Mayor spoke about wanting to move forward, but there are 2 agenda items to directly put digs on the Mayor's opponent. Don't use your public office to make digs at people you are in opposition to. Where can the public find out how much the Mayor is costing the Town in lawsuits? The Mayor is not interested in dropping any of the lawsuits? Not in good faith going to bury the hatchet.

Mayor Dennington spoke about it is not that black and white because the Town Attorney would bill the Town when it shouldn't be billed to the Town. There is a resolution that says the Commission cannot contact the Town Attorney directly they are supposed to contact the Manager to get permission. I cannot answer your question. Why not ask the Town Manager why the Commission has been allowed to contact the Town Attorney directly?

Bruce Larson - 1507 Pine St

Bruce Larson asked what are the agenda items that were deferred. Thinks those topics do need more discussion and should be at a workshop, so that is the right thing to do. Encouraged more participation at workshops. There is a great need to further discuss those items. There is an agenda problem. Maybe create a citizen board to create and prioritize the agenda.

Commissioner Corey Runte spoke about what each item is that was removed from the agenda to be placed on a workshop.

Mayor Dennington spoke about those items are all the ones she put on the agenda. Spoke about there being a huge backlog of public records requests which is why she put on the agenda discussion on a deputy clerk. There are records that only the Clerk has access to and if she is gone for a week then you cannot see those records. Even Melbourne Village has a deputy clerk. Would like to take immediate action to start the repeal process on the second kitchen ordinance. Spoke about wanting to get a constitutional amendment regarding vacation rentals.

Jim Simmons - 409 Avenue B

Jim Simmons spoke about the Mayor's job other than having one vote is to manage the meeting, follow the agenda, and stay on topic. He spoke about the process for calling point of order. If the answer to a question is short then you can answer a question, however, if it is not then it should be directed to the Town Manager to follow up on.

Steve Walters - 416 Sixth Avenue

Steve Walters spoke about point of order, but Commissioner Runte has interrupted 6 times. They are going to obstruct the Mayor every chance they can.

Mayor Alison Dennington spoke about scheduling Mayor meetings to address items including vacation rentals and stop signs.

Frank Thomas – 606 Atlantic St

Frank Thomas spoke about being on the Commission for 6 years. This is the wildest crowd he has ever seen. Tomorrow is the winter solstice. The 39th New Year's Day history walk that he started will be on New Year's Day at 10 am.

Roger Newell - 506 Colony

Roger Newell spoke about how he has recently attempted to locate all of the vacation rentals, but websites have gotten smart and do not post the addresses. Why is the Town not auditing the Town Attorney bills?

Mike Krajic – 2103 Neptune Dr

Mike Krajic spoke about being Santa at the tree lighting and it was great, and read a prayer.

Mark McBride – 310 Second Ave

Mark McBride spoke about attending for the same thing for the last two months. There are three Airbnbs around his house. He wants solutions and asked when the workshops will be.

Mayor Alison Dennington spoke about her plan to have multiple joint workshops. Every week from here on out she will have a meeting to cover various topics such as Airbnb's. Wants to do a constitutional amendment regarding Airbnb's.

Commissioner Corey Runte spoke about the workshop is on January 3rd which is in two weeks from today. To make any ordinance changes we need a Town Attorney which the Town does not currently have.

Jim Turi – 204 Dogwood

Jim Turi spoke about having 8 Airbnbs in a two-block radius. Is it possible to limit the amount of Airbnbs in an area, or could his entire block be Airbnb's?

Mayor Alison Dennington spoke about how every house could be an Airbnb, but a possibility would be to create a homeowners association by street. Believes doing a constitutional amendment is the best way.

Haley Conrad - 2011 Oak St

Haley Conrad spoke about how the Town can install stop signs on Riverside, but just because something is legal does not mean it is the right thing. Reviewed what FDOTs criteria is for determining if a traffic control device is a good solution.

Paula Panton – 809 Riverside Dr

Paula Panton asked if there is a process to remove stop signs. There were no problems before, and it is more dangerous now. There are a lot of people that are against the stop signs. Riverside used to be a speed trap and we need to get back to that.

Commissioner Corey Runte spoke about getting a traffic engineer report for Riverside. Should get a professional's opinion on the stop signs to see what the best route is. There are a lot of people that are for the stop signs.

Commissioner Adam Meyer spoke about the stop signs can be removed by the Commission directing the Town Manager to remove them through a vote.

Mayor Alison Dennington spoke about a process to put in stop signs. Does not think the formal process happened. Remove the stop signs if the process was not followed then follow the process if they are replaced. Has not heard a single person that likes the stop signs. If people are speeding then the police department needs to write tickets.

John Hart - 407 Surf Rd

John Hart asked if there was a traffic study done to install the stop signs if not remove them. What is the liability of removing the stop signs, doing the study, and following the proper procedure?

Commissioner Corey Runte spoke about there not being an engineering study done before.

Commissioner Adam Meyer read a public comment that was emailed to him from Chuck Cain. The email spoke about the lawsuits between Mayor Alison Dennington and the Town and the amount it is costing the Town.

Mayor Alison Dennington spoke about one of them being an appeal for the shed case. The Town does not have a zoning placement permit. Thinks the Town Attorney was overbilling the Town because he would communicate directly with Commissioners, and is being sued as part of one of the lawsuits.

Town Manager Elizabeth Mascaro spoke about the Town does not agree with the statement about overbilling.

Building Official Robert Bitgood spoke about being listed in the election lawsuit, so he should be able to contact the Town Attorney without permission because the Town Attorney is representing him in the case.

Gabor Kishegyi - 221 Surf Rd

Gabor Kishegyi spoke about from a law enforcement standpoint the best way to enforce speeding is when people do not know when or where directed traffic enforcement is being done.

Mayor Alison Dennington read a public comment that was emailed to her from Kate and Dan Wilborn. The email spoke about limiting parking at the Sixth Ave boat ramp to Melbourne Beach residents.

10. Public Hearings/Special Orders

11. Unfinished Business

A. Consideration of the proposals for audio-visual equipment in the community center

Town Clerk Amber Brown spoke about the issues with the current sound system including not being able to add more microphones so some people have to share, residents having a hard time hearing, microphones being corded and there are only two places that are in the floor to plug them into so the cords are run along the floor to be plugged in, the current system does not record so there is an external recorder with wired microphone discs sitting around to record the audio so more wires and they only cover part of the area. Part of the quotes is to add a visual component to live stream the meetings. Previously presented five quotes, then the Commission narrowed it down to two quotes and asked for a side-by-side comparison. The AVI-SPL quote is for \$84,450.16 and the BIS Digital quote is for \$70,930.24.

Commissioner Corey Runte spoke about the equipment not fitting the needs of the Town, so at least the audio portion needs to be done. However, the visual component would increase transparency and allow residents who are out of Town to watch it live.

Commissioner Adam Meyer asked if other municipalities in the area use either company and asked about the storage of the videos.

Town Clerk Amber Brown spoke about some of the other municipalities in the area using IM Solutions, which we got a quote for and it was significantly higher so the Commission wanted quotes from other businesses. Spoke about the videos being stored on YouTube.

Mayor Alison Dennington spoke about being completely against this. She does not have any problems with the equipment. She is worried about replacing equipment that works for something new. The cost of this equipment might cover a full-time deputy clerk. Spoke about potential hidden costs with future licenses, and video storage for meetings that are 4 hours long.

Town Clerk Amber Brown spoke about other municipalities that use IM Solutions because they are located right in Melbourne and they have an employee from the company attend every meeting to operate the equipment. Regarding video storage, for the Town of Melbourne Beach our official record of the meetings is the minutes, so the retention period for the videos is not going to be permanent.

Mayor Alison Dennington spoke about money not growing on trees; if the money was coming from a grant, or if it was donated, and if the current equipment was broken. A lot of things are great that you don't do because of the cost. It seems like a platform for people to be on TV.

Commissioner Adam Meyer asked what fees are annual.

Town Clerk Amber Brown spoke about the annual support and maintenance are the only annual fees.

Mayor Alison Dennington asked about the warranty period, the cost, what is covered, and support.

Town Clerk Amber Brown spoke about the warranty details are in the proposals.

Tina Coppock – 505 Avenue B

Tina Coppock spoke with a resident in Town who has a medical issue that prevents them from attending the meetings but would like to watch it live. Spoke about the cost of the audio-visual equipment is about as much as the lawsuits with the Mayor.

Jim Simmons – 409 Avenue B

Jim Simmons asked if it would be ADA compliant.

Town Clerk Amber Brown spoke about YouTube doing the closed captioning to be ADA compliant, and other municipalities using YouTube to stream meetings.

Julie Samuels – 2320 S River Rd

Julie Samuels asked about the price difference between livestreaming and posting a recording of the meeting. Likes the idea of having a video, but does it need to be live?

Bruce Larson – 1507 Pine St

Bruce Larson asked if we are ADA compliant today because he cannot hear half of what is said in the back. There are far cheaper options with delayed recording. If people cannot interact do they need it live-streamed? Are there less expensive options?

Commissioner Corey Runte spoke about issues including the audio recordings on Sound Cloud do not allow you to fast forward, so you have to listen to the entire recording, being able to watch the meeting would be better than listening to a less-than-average recording. The minutes are abbreviated, and it would provide better transparency and public record.

Mayor Alison Dennington spoke about not wanting to waste taxpayer's money; there are other more critical items to spend money on.

Commissioner Corey Runte spoke about not being able to fix the current equipment to provide what is needed.

Jeff Fisher – 509 Harland

Jeff Fisher spoke about having a requirement definition of what you are looking for. He has experience with procurement and would be happy to help the Town.

Ann Marie McBride - 310 Second

Ann Marie McBride asked what percent of the Town budget this is, and if it was budgeted.

Commissioner Corey Runte spoke about it being a budgeted item, and it is less than 2 percent of the Town Budget.

Frank LaGrassa – 412 First Ave

Frank LaGrassa spoke about how the Mayor is not suing the Town she is suing the Commission and protecting the Town and the residents, so what happened to her does not happen to them.

Commissioner Corey Runte made a motion to approve BIS Digital as presented for the audio and visual; Commissioner Marivi Walker seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

Mayor Alison Dennington spoke about voting against it because it is too expensive, we do not know how old the current equipment is, there are less expensive measures to get the same goal, and the current equipment still works.

Commissioner Corey Runte made a motion for a short break.

Break at 9:05 pm.

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commission Marivi Walker
Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

B. Appointment of the Vice Mayor

Commissioner Sherri Quarrie made a motion to nominate herself; Commissioner Corey Runte seconded; Motion carried 4-0 with Commissioner Sherri Quarrie abstaining.

Steve Walters - 416 Sixth Ave

Steve Walters spoke about Commissioner Sherri Quarrie does not need to recuse herself because there is no benefit to being Vice Mayor.

Commissioner Corey Runte made a motion to nominate Commissioner Quarrie as the Vice Mayor; Commissioner Adam Meyer seconded; Motion carried 4-0 with Commissioner Sherri Quarrie abstaining.

Vice Mayor Sherri Quarrie spoke about abstaining from the vote due to a possible conflict of voting for herself.

C. Reappointment of Board Member James Simmons to the Board of Adjustment

Commissioner Adam Meyer spoke about the Town receiving other applications that will be presented at the January workshop, so he would like to wait on this one until then to compare all of them at the same time.

Mayor Alison Dennington spoke about agreeing with Commissioner Meyer to look at all of the applications together.

Commissioner Corey Runte spoke about how this was tabled, so there is a full Commission, he has been on the Board, and out of all of the applications he is the most qualified.

Mayor Alison Dennington spoke about not agreeing with Commissioner Runte, seems there is a favorite, so rather than do it fairly all at once you want to piecemeal it.

Vice Mayor Sherri Quarrie asked what positions are available.

Town Clerk Amber Brown spoke about the open positions are one board member and two alternates.

Vice Mayor Sherri Quarrie spoke about being in favor of Jim Simmons because the board member position needs to be filled as soon as possible, he has the most experience, and that would allow people without as much experience to fill the alternate positions to get familiar with the position and that Board. Asked for the other candidates to be at the January workshop to be interviewed by the Commission.

Town Clerk Amber Brown spoke about the reason this agenda item is at this meeting is because of the motion that was made when it was tabled, the other candidates have been encouraged to attend the January workshop so the Commission can interview them.

Mayor Alison Dennington spoke about how it seems some of the Commission has a relationship with Mr. Simmons, and wants to push him through rather than giving all three the same opportunity.

Tina Coppock - 505 Avenue B

Tina Coppock spoke about how it seems the Mayor has a vendetta against Jim Simmons. If he is the most qualified then he should be voted in and then work on filling the alternate positions, so those individuals can get up to speed.

Tim Flint – 1706 Atlantic St, Unit 3A

Tim Flint spoke about being one of the applicants and would like to be involved, and after listening to the Commission he thinks being an alternate would be a good step for him.

Frank LaGrassa – 412 First Ave

Frank LaGrassa asked when you interview people how important is the person's view on growth, or if knowledge of zoning is a big factor. When you get on the Board it is pretty easy to get caught up.

Vice Mayor Sherri Quarrie spoke about the person needing to know the codes. Everyone needs to know the rules and follow them and if they do not then the Board of Adjustment needs to make a ruling. You do not make a decision based on feelings. The Board of Adjustment is a quasi-judicial board. If someone has a bias they shouldn't be on the Board.

Mayor Alison Dennington asked if there are rules on what can be asked, or if it is a specific list of questions.

Town Manager Elizabeth Mascaro spoke about what the Board of Adjustment does. A board member's opinion comes into play when someone applies for a variance because you have to prove a hardship. What one member considers a hardship may not be the same for another member. The applicant will have to plead their case as to what their hardship is.

Mayor Alison Dennington asked Jim Simmons about emails that go out behind the scenes about various town issues. What is his process for documenting if someone emails him about a Board of Adjustment issue? Does the Board of Adjustment have a town email? Should the Board of Adjustment have its own email?

Jim Simmons – 409 Avenue B

Jim Simmons spoke about how he follows state law. He discloses any emails that he receives before voting. He does not send out emails behind the scenes. He is a private citizen who is allowed to express his opinion on any issue before the Town except for issues that go before the Board of Adjustment. There is not a Board of Adjustment email and if people want to express their opinion they should attend the meetings. It is the same as court, you cannot email a judge or jury to influence them or vote the way you want. That would be a felony and he would not do that. The Board should not have an email because individuals need to testify in court/ before the Board. The Board of Adjustment is held to the Sunshine Law as well.

Commissioner Corey Runte made a motion to approve James Simmons for reappointment to the Board of Adjustment; Commissioner Marivi Walker seconded; Motion carried 3-2 with Mayor Alison Dennington and Commissioner Adam Meyer dissenting.

Commissioner Adam Meyer spoke about voting against it because they asked for more people to apply and they did, so he would like all of the applications presented during a workshop and be able to ask questions at the same time.

Mayor Alison Dennington spoke about dissenting because it would be good to give everyone a chance.

Commissioner Marivi Walker spoke about voting yes for the person who has the most experience and would be the best choice for the Town, and allowing people to learn by being an alternate.

12. New Business

- A. Appointment of the Voting Delegate and Alternate Voting Delegate for the Space Coast League of Cities

Commissioner Corey Runte made a motion to nominate Vice Mayor Sherri Quarrie as the Voting Delegate for the Space Coast League of Cities; Commissioner Adam Meyer seconded; Motion carried 4-0 with Vice Mayor Sherri Quarrie abstaining.

Vice Mayor Sherri Quarrie made a motion for Commissioner Corey Runte to stay as the Alternate Voting Delegate; Commissioner Marivi Walker seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting and Commissioner Corey Runte abstaining.

Mayor Dennington spoke about dissenting because Commissioner Corey Runte is on so many committees already.

B. Consideration of a temporary hold on permitting for 2nd kitchens

Vice Mayor Sherri Quarrie spoke about submitting this agenda item because there are community concerns, so stop and look at everything again and readdress it. She included Brevard County's ordinance to show Brevard County's process to remove a second kitchen if a home is no longer homesteaded.

Commissioner Adam Meyer asked if there have been any permits pulled.

Building Official Robert Bitgood spoke about there have not been any permits issued for it. A couple of people have inquired about it, however, no one has pulled a permit for it.

Mayor Alison Dennington asked if the Building Official had seen any second kitchens when he had done vacation rental inspections and if he looked for them.

Building Official Robert Bitgood spoke about not seeing any, but he also does not know if he has the legal recourse to do anything if he did see one.

Mayor Alison Dennington asked about how the Town would know if someone installs a second kitchen, but doesn't permit it.

Commissioner Corey Runte spoke about Planning and Zoning brought this to the Commission to remove some ambiguity in the Town code because that was happening. This is for a multigenerational suite to keep families together. He does not think the Commission has the right to tell families they cannot stay together.

Mayor Alison Dennington spoke about getting both sides. One side is about keeping families together, but the other side is having Airbnbs renting to two families. Why not have it be by development order then they get filed with the county and it would be single-family only and cannot be made into multifamily and follows the land.

Building Official Robert Bitgood spoke about having new homes that have a wet bar, the new thing now is to not even have an oven and instead have a convection oven. By clarifying the definition it has forced those rooms to be titled as a kitchen.

Mayor Alison Dennington spoke about this being a good start, but that it would need to go to workshops and amend the code which could take nine to twelve months.

Town Manager Elizabeth Mascaro spoke about how the hold could be extended.

Mayor Alison Dennington asked if the Building Official goes to an address for an inspection and sees a second kitchen does that get noted?

Building Official Robert Bitgood spoke about when an inspection is scheduled the only things he can look at are what he is there to inspect. However, if during an inspection an addition is being added then that is a different situation, but he does not have the authority for possible things that may or may not be allowed.

Commissioner Corey Runte made a motion to approve a temporary hold/moratorium on permitting for second kitchens for 6 months which can be renewed at the discretion of the Commission by vote; Commissioner Marivi Walker seconded; Motion carried 5-0.

C. Consideration of proposals for Legal Services from RFP

Town Manager Elizabeth Mascaro spoke about these three being the law firms that responded to the Request for Proposal (RFP).

Commissioner Marivi Walker spoke about wanting to go with either of the larger firms. The fees are very reasonable.

Commissioner Corey Runte spoke about Attorney Clifford Repperger's hourly rate was \$210.00. He is potentially interested in speaking with all three. He asked the Town Manager for her thoughts on the candidates.

Town Manager Elizabeth Mascaro spoke about how all three have municipal experience, but the two bigger law firms have a deeper bench. The response time for a larger firm might be quicker because they have more experience and more people.

Commissioner Adam Meyer spoke about being interested in speaking with all three. He is interested in why Mr. Stokes spends short terms at other towns.

Mayor Alison Dennington spoke about wanting to meet with all three, and if the RFP could be open longer but start the interview process as the proposals are received.

Town Manager Elizabeth Mascaro spoke about generally you wait until the RFP is over before you start processing the proposals. There were a few other inquiries, but they did not respond to the RFP.

Mayor Alison Dennington spoke about what happens if after the interviews the Commission does not like any of the candidates.

Town Manager Elizabeth Mascaro spoke about the possibility that the candidates do not accept the position, and in either case, the Town would go out for RFP again.

Commissioner Corey Runte spoke about leaning towards one of the large firms specifically Ryan Knight's law firm, but he would like to proceed with all three firms.

Tina Coppock - 505 Avenue B

Tina Coppock spoke about having a lot of government experience. It is not a good idea to cancel and reopen an RFP. It does not look good and you may not get more applicants. She is concerned about any charges for travel time with the firms over in Winter Park.

Mayor Alison Dennington spoke about how the attorney does not attend workshops or the Mayor's meetings so typically it would be once a month.

Vice Mayor Sherri Quarrie made a motion for the Manager to set up interviews with all three in the month of January one at a time;

Jim Fisher – 509 Harland Ave

Jim Fisher asked who the hiring authority is and good luck.

The Commission answered they are.

Commissioner Marivi Walker spoke about scheduling a meeting as soon as possible to do the interviews.

Vice Mayor Sherri Quarrie amended her motion of ~~Vice Mayor Sherri Quarrie made a motion for the Manager to set up interviews with all three in the month of January one at a time;~~ to schedule a meeting as soon as possible for all of the Commission to attend together; Commissioner Corey Runte seconded; Motion carried 5-0.

~~D. Consideration to repeal Ordinance 2023-02 Second Kitchens~~

New Business Item D was tabled to a workshop.

~~E. Consideration of hiring a Deputy Town Clerk~~

New Business Item E was tabled to a workshop.

~~F. Consideration to repeal Exemption for Owner Occupied Vacation Rentals~~

New Business Item F was tabled to a workshop.

~~G. Discussion on short term rentals and state pre-emption~~

New Business Item G was tabled to a workshop.

~~H. Discussion on stop signs~~

New Business Item H was tabled to a workshop.

13. Administrative Reports

A. Town Manager

No additions

14. Commission Reports

15. Task List

Updated:

Options and Costs for Live Streaming – Proposals were presented as an agenda item during this meeting. The Commission approved the BIS Digital proposal. - Closed

16. Public Comment

None

17. Adjournment

Vice Mayor Sherri Quarrie moved to adjourn; Commissioner Corey Runte seconded, Motion carried 5-0.

Meeting adjourned at 10:41 p.m.

ATTEST:

Alison Dennington, Mayor

Amber Brown, Town Clerk

Town Commission Meeting

Section: Consent Agenda

Meeting Date: February 21, 2024

From: Amber Brown, Town Clerk

RE: History Center Board change in meeting day and time

Background Information:

The History Center Board has requested to change their meeting day and time from the first Thursday of the month at 5:00 pm to the first Tuesday of the month at 4:00 pm.

Recommendation:

Approve the History Center Board's request to change their meeting day and time to the first Tuesday of each month at 4:00 pm as part of the Consent Agenda.

Attachments:

None



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: Robert Schaefer Home Phone: 321-984-8313
2. Home Address: 411 Avenue A, Melbourne Beach, FL
3. Mobile Phone: 321-215-1721 E-mail address: rkschaefer@bellsouth.net
4. Business Name: NA Business Phone: _____
5. Resume or Education & Experience: Licensed Building Contractor; FIT Graduate; 30+ Year Town Resident +
 (Use additional sheets if necessary or submit resume) Volunteer; Former Code Enforcement Officer
6. Date of birth: March 16, 1946 (to verify voter registration)
 (optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
 If yes, which board? Board of Adjustment
12. Please check the board(s) you are interested in serving on:
- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> History Center Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input type="checkbox"/> History Preservation and Awareness |
| <input type="checkbox"/> Civil Service Board | <input type="checkbox"/> Parks Board |
| <input type="checkbox"/> Code Enforcement Board | <input type="checkbox"/> Planning and Zoning Board |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Police Pension Fund Board of Trustees |
13. Why do you think you are qualified to serve on this board? 30+ yr. with many successful decisions for the Town; very familiar with Town Codes; recently re-elected to serve as Board Chair
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: Robert Schaefer

Date: 2/1/2024



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: Xochitl Ross Home Phone: 321.729.0816
2. Home Address: 1106 Atlantic St
3. Mobile Phone: _____ E-mail address: xochitlross@earthlink.net
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: _____
(Use additional sheets if necessary or submit resume)
6. Date of birth: _____ (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
If yes, which board? BOA

12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input type="checkbox"/> History Center Board
<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input type="checkbox"/> Code Enforcement Board	<input type="checkbox"/> Planning and Zoning Board
<input type="checkbox"/> Environmental Advisory Board	<input type="checkbox"/> Police Pension Fund Board of Trustees

13. Why do you think you are qualified to serve on this board? Experience, dedication, continuity of institutional knowledge

14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: Xochitl Ross Date: 2/5/24



TOWN BOARD VOLUNTEER APPLICATION

Town of Melbourne Beach

507 Ocean Avenue

Melbourne Beach, Florida 32951

Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: CURTIS A. BYRD Home Phone: (321) 266-0794
2. Home Address: 306 SOUF ROAD
3. Mobile Phone: (321) 724 9916 E-mail address: CURTIS BYRD @GMAIL.COM
4. Business Name: — Business Phone: —
5. Resume or Education & Experience: ON FILE (BS, ^{Ph.D.}MS, MS)
(Use additional sheets if necessary or submit resume)
6. Date of birth: 3-21-55 (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
If yes, which board? ENVIRONMENTAL ADV. BD.

12. Please check the board(s) you are interested in serving on:

- | | |
|--|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> History Center Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> History Preservation and Awareness |
| <input type="checkbox"/> Civil Service Board | <input type="checkbox"/> Parks Board |
| <input type="checkbox"/> Code Enforcement Board | <input type="checkbox"/> Planning and Zoning Board |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Police Pension Fund Board of Trustees |

13. Why do you think you are qualified to serve on this board? CHAIRMAN OF EAB SINCE CONCEPTION, 2 TIME VOLUNTEER OF THE YEAR FOR MEL BCH

14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: Curtis A. Byrd

Date: 1/26/24



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: Crystal Cain Home Phone: (321) 984-2221
2. Home Address: 309 Surf Rd
3. Mobile Phone: (321) 698-3533 E-mail address: ccain2@cfl.fl.com
4. Business Name: N/A Business Phone: N/A
5. Resume or Education & Experience: MA, LMT-active in all things environmental
 (Use additional sheets if necessary or submit resume)
6. Date of birth: 1/1/64 (to verify voter registration)
 (optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
 If yes, which board? EAB, History Board
12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input checked="" type="checkbox"/> History Center Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input type="checkbox"/> Code Enforcement Board	<input type="checkbox"/> Planning and Zoning Board
<input checked="" type="checkbox"/> Environmental Advisory Board	<input type="checkbox"/> Police Pension Fund Board of Trustees
13. Why do you think you are qualified to serve on this board? Current Board member- active in EAB activities
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: Crystal J Cain Date: 1/25/24



TOWN BOARD VOLUNTEER APPLICATION

Town of Melbourne Beach

507 Ocean Avenue

Melbourne Beach, Florida 32951

Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: David K Campbell Home Phone: 321-724-2838
2. Home Address: 305 First Ave
3. Mobile Phone: _____ E-mail address: dkcamp@heartbytes.net
4. Business Name: None Business Phone: None
5. Resume or Education & Experience: Years of experience on Planning and Zoning
(Use additional sheets if necessary or submit resume)
6. Date of birth: 11-25-1944 (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
If yes, which board? Planning and Zoning Board
12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input type="checkbox"/> History Center Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input type="checkbox"/> Code Enforcement Board	<input checked="" type="checkbox"/> Planning and Zoning Board
<input type="checkbox"/> Environmental Advisory Board	<input type="checkbox"/> Police Pension Fund Board of Trustees
13. Why do you think you are qualified to serve on this board? _____
Years of experience on Planning and Zoning _____
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: David K Campbell

Date: 1/25/2024



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: April Evans Home Phone: 321 722-1000
2. Home Address: 213 First Avenue
3. Mobile Phone: 321 412-600 E-mail address: aprile32951@gmail.com
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: Board member since 2012
 (Use additional sheets if necessary or submit resume)
6. Date of birth: 05/07/1947 (to verify voter registration)
 (optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
 If yes, which board? P&Z
12. Please check the board(s) you are interested in serving on:
- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> History Center Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> History Preservation and Awareness |
| <input type="checkbox"/> Civil Service Board | <input type="checkbox"/> Parks Board |
| <input type="checkbox"/> Code Enforcement Board | <input checked="" type="checkbox"/> Planning and Zoning Board |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Police Pension Fund Board of Trustees |
13. Why do you think you are qualified to serve on this board? _____
Board member since 2012
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: *April Evans*

Date: January 25, 2024



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: DAN HARPER Home Phone: _____
2. Home Address: 418 Ave. B MELBOURNE BEACH FL 32951
3. Mobile Phone: 509-954-4488 E-mail address: danharpere@comcast.net
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: See attached
 (Use additional sheets if necessary or submit resume)
6. Date of birth: 11/01/1950 (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
 If yes, which board? Planning & Zone
12. Please check the board(s) you are interested in serving on:
- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> History Center Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> History Preservation and Awareness |
| <input type="checkbox"/> Civil Service Board | <input type="checkbox"/> Parks Board |
| <input type="checkbox"/> Code Enforcement Board | <input checked="" type="checkbox"/> Planning and Zoning Board |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Police Pension Fund Board of Trustees |
13. Why do you think you are qualified to serve on this board? _____
See attached
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: Dan Harper

Date: 1/26/2024

DAN HARPER

✉ danharper@comcast.net

☎ 5099544488

📍 Melbourne Beach, FL 32951

PROFESSIONAL SUMMARY

Retired business owner with a passion for boating since moving to Florida in 2008. Completed all the US Power Squadron courses and then went on to obtain the OUPV and Master Merchant Credential. Volunteer as the Satellite Beach FL police department boat operator lead trainer.

SKILLS

10+ years near coastal boating experience on 30 and 35 ft. Boston Whaler Conquest.

3 times made trips to Bahamas crossing at Ft. Lauderdale

Several times made trips down the Intracoastal Waterway from Port Canaveral to Ft Lauderdale

6+ years training volunteers on a 24ft center console police boat on Intracoastal and narrow channels

WORK HISTORY

Harper Inc. - President/Owner

Spokane, WA • 01/1995 - 01/2015

Started a successful economic expert firm for litigation support.

Testified in numerous federal and state courts in the Pacific Northwest.

Trained and managed a staff of CPA's and Economists.

Speaker at national CPA conventions on litigation support services.

Trained CPA firms throughout US in litigations support services.

McFarland & Alton CPA's - Managing Partner

Spokane, WA • 01/1976 - 01/1995

Managed regional audit practice of middle market companies.

EDUCATION

US Coast Guard Merchant Mariner Credential OUPV

Melbourne Beach, FL

Boat Captain, Near Coastal

US Coast Guard Merchant Mariner

Credential Master 50 ton

University of Washington

Seattle, WA • 06/2004

MBA: Accounting And Finance

BA Business Administration 1974,

Washington State University

BA Accounting 1975, Washington

State University

Certified Public Accountant 1976

GUITAR PLAYING

Member of a 1960's garage band. Now enjoy playing blues music when not on the boat



TOWN BOARD VOLUNTEER APPLICATION
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951
Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: _____ Home Phone: _____
2. Home Address: _____
3. Mobile Phone: _____ E-mail address: _____
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: _____
 (Use additional sheets if necessary or submit resume)
6. Date of birth: _____ (to verify voter registration)
 (optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
 If yes, which board? _____
12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input type="checkbox"/> History Center Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input type="checkbox"/> Code Enforcement Board	<input type="checkbox"/> Planning and Zoning Board
<input type="checkbox"/> Environmental Advisory Board	<input type="checkbox"/> Police Pension Fund Board of Trustees
13. Why do you think you are qualified to serve on this board? _____

14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: _____

Date: 02-09-2024



Town of Melbourne Beach
Finance Department

Memo

To: Mayor, Vice Mayor and Commissioners
 From: Jennifer Kerr, Finance Manager
 Date: February 15, 2024
 Re: January Fiscal Year 2024

We are in the Fourth month of our fiscal year 2024. The target expenditure rate for January is 33.33%. All departments are in the process of purchasing all budget approved capital items. Some budget lines are fully expended early in the budget year while other lines like salaries and health insurance are paid on a monthly basis. The total General Fund expenditure rate, year to date is 37.17%. The Departmental expenditure rate breakdown is as follows:

Legislative:	25.67%
Executive:	29.24%
Finance:	24.63%
Legal:	21.04%
Comp & Plan:	11.78%
General Services:	33.02%
Law Enforcement:	28.81%
Fire:	43.81%
Code:	23.63%
Public Works:	27.53%
Grounds Keeping:	26.61%
Parks:	11.11%

Discussion Items:

The Town received Parking Revenue for January FY2024 in the amount of \$7,524.16. Parking revenue for January FY2023 was \$11,411.45.

- A Fiscal Year (FY) parking comparison is attached.

We are currently in the FY23 Audit. Preparation for the FY23 Audit began prior to January. The FY23 Audit started on February 5, 2024.

Parking Revenue FY Comparison

FY23	Oct-23	Nov-23	Dec-23	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	TOTAL
Ocean	4,921.04	3,785.42	3,456.88	4,996.04							17,159.38
Ryckman	6,354.35	5,050.00	6,359.91	6,415.41							24,179.67
Total	11,275.39	8,835.42	9,816.79	11,411.45							41,339.05

FY24	Oct-23	Nov-23	Dec-24	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	TOTAL
Ocean	4,323.54	3,669.99	2,544.37	2,412.50							12,950.40
Ryckman	5,616.47	4,085.40	5,833.19	5,111.66							20,646.72
Total	9,940.01	7,755.39	8,377.56	7,524.16	0.00	0.00	0.00	0.00	0.00	0.00	33,597.12

REVENUE AND EXPENDITURE FOR TOWN OF MELBOURNE BEACH
Balance As Of 01/31/2024

Fund: 001 GENERAL FUND (GF)

Account Category: Revenues	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-00-311.00.00	AD VALOREM TAXES	2,685,662.00	2,685,662.00	0.00	358,657.59	86.65
001-00-312.41.00	LOCAL OPTION COUNTY GAS TAX	125,000.00	125,000.00	0.00	111,480.13	10.82
001-00-314.10.00	UTILITY SERVICES TAX FPL	276,000.00	276,000.00	0.00	185,450.88	32.81
001-00-314.30.00	UTILITY SERVICES TAX WATER	54,000.00	54,000.00	0.00	39,858.78	26.19
001-00-314.40.00	UTILITY SERVICES TAX GAS	0.00	0.00	0.00	(330.28)	100.00
001-00-314.40.10	UTILTIY GAS TAX AMERIGAS	8,500.00	8,500.00	0.00	6,818.54	19.78
001-00-314.40.20	UTILITY GAS TAX SUBURBAN	1,300.00	1,300.00	0.00	1,161.70	10.64
001-00-314.40.30	UTILTIY GAS TAX FERRELL	2,500.00	2,500.00	0.00	1,509.12	39.64
001-00-314.40.40	UTILITY GAS TAX SAM'S GAS	100.00	100.00	0.00	(13.75)	113.75
001-00-315.00.00	COMMUNICATIONS SERVICE TAX	145,000.00	145,000.00	0.00	116,913.22	19.37
001-00-316.00.00	OCCP. LIC	15,000.00	15,000.00	0.00	4,102.45	72.65
001-00-323.10.00	FRANCHISE FEES FPL	215,000.00	215,000.00	0.00	174,996.06	18.61
001-00-323.70.00	FRANCHISE FEES SOLID WASTE	44,000.00	44,000.00	0.00	27,743.52	36.95
001-00-323.70.10	SOLID WASTE COMMERCIAL	15,000.00	15,000.00	0.00	9,543.68	36.38
001-00-329.20.00	BONFIRE PERMIT	350.00	350.00	0.00	(300.00)	185.71
001-00-329.50.00	LOW SPEED VEHICLE REGISTRATION	500.00	500.00	0.00	(200.00)	140.00
001-00-329.50.10	LOW SPEED VEHICLE PERMIT FEE	600.00	600.00	0.00	100.00	83.33
001-00-331.12.00	FEMA	0.00	0.00	0.00	(10,718.74)	100.00
001-00-334.10.00	FEMA STATE GRANT	0.00	0.00	0.00	(1,786.46)	100.00
001-00-334.40.00	FMIT SAFETY GRANT	7,000.00	7,000.00	0.00	7,000.00	0.00
001-00-335.12.00	STATE REVENUE SHARING PROCEEDS	112,000.00	112,000.00	0.00	76,636.18	31.57
001-00-335.15.00	ALCOHOLIC BEVERAGE LICENSES	4,300.00	4,300.00	0.00	4,202.11	2.28
001-00-335.18.00	HALF CENT SALES TAX LOCAL GOV	225,000.00	225,000.00	0.00	188,017.20	16.44
001-00-342.20.00	SAFETY INSPECT FEE VAC RENTAL	1,200.00	1,200.00	0.00	600.00	50.00
001-00-342.20.10	SAFETY RENEWAL-VAC RENTALS	1,600.00	1,600.00	0.00	700.00	56.25
001-00-345.10.00	VAC RENTAL APP FEE-INITIAL	4,000.00	4,000.00	0.00	2,000.00	50.00
001-00-345.10.10	VAC RENEWAL FEE - RENTALS	4,725.00	4,725.00	0.00	2,625.00	44.44

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-00-361.10.00	INTEREST ON INVESTMENTS	12,000.00	12,000.00	0.00	2,525.21	78.96
001-00-369.00.00	MISCELLANEOUS REVENUE	2,500.00	2,500.00	0.00	(4,588.26)	283.53
001-00-369.00.49	INSURANCE RECOVERY	100.00	100.00	0.00	100.00	0.00
001-00-381.00.00	TRANSFERS IN	194,000.00	194,000.00	0.00	174,000.00	10.31
						64.43
Department: 21 LAW ENFORCE						
001-21-312.52.00	INSURANCE PREMIUM TAX	45,500.00	45,500.00	0.00	45,500.00	0.00
001-21-337.20.00	SCHOOL RESOURCE OFFICER	68,500.00	68,500.00	0.00	51,375.00	25.00
001-21-337.90.01	OTHER GRANTS	6,000.00	6,000.00	0.00	6,000.00	0.00
001-21-351.00.00	FINES - LAW ENFORCEMENT	5,000.00	5,000.00	0.00	3,391.67	32.17
001-21-351.13.00	PARKING TICKETS	500.00	500.00	0.00	500.00	0.00
001-21-351.13.10	ACCIDENT REPORT	200.00	200.00	0.00	115.00	42.50
001-21-364.10.00	DISPOSAL OF ASSETS - VEHICLES	200.00	200.00	0.00	200.00	0.00
001-21-369.00.00	MISCELLANEOUS REVENUE	100.00	100.00	0.00	100.00	0.00
						14.94
Department: 22 FIRE CONTROL						
001-22-322.30.00	FIRE PROTECTIVE SERVICES	2,000.00	2,000.00	0.00	(680.00)	134.00
001-22-364.20.00	DISPOSAL OF ASSETS - OTHER	100.00	100.00	0.00	100.00	0.00
001-22-369.55.10	SHARED TRAINING	500.00	500.00	0.00	500.00	0.00
						103.08
Department: 29 CODE ENFORC						
001-29-359.00.00	OTHER FINES AND FORFEITURES	1,000.00	1,000.00	0.00	1,000.00	0.00
						0.00
Department: 41 PUBLIC WORKS						
001-41-364.10.00	DISPOSAL OF ASSETS - VEHICLES	500.00	500.00	0.00	500.00	0.00
						0.00
Department: 72 PARKS & RECR						
001-72-347.41.00	FOUNDER'S DAY	7,000.00	7,000.00	0.00	6,790.00	3.00
001-72-347.50.00	FACILITY RENTALS	6,000.00	6,000.00	0.00	4,540.00	24.33
001-72-366.19.00	TH DONATIONS - KIDS BUSINESS FAIR	5,000.00	5,000.00	5,070.00	(70.00)	101.40
						37.44

GF Overall Revenue Rate:

62.87

Account Category: Expenditure	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 00						
001-00-581.00.00	TRANSFER OUT	441,761.00	441,761.00	0.00	0.00	100.00
						100.00
Department: 11 LEGISLATIVE						
001-11-500.11.00	EXECUTIVE SALARIES	16,200.00	16,200.00	0.00	11,750.05	27.47
001-11-500.12.00	REGULAR SALARIES	60,113.00	60,113.00	0.00	42,928.65	28.59
001-11-500.21.00	FICA TAXES - EMPLOYER PORTION	5,838.00	5,838.00	0.00	4,236.58	27.43
001-11-500.22.20	RETIREMENT TOWN EMPLOYEES	8,157.00	8,157.00	0.00	5,825.09	28.59
001-11-500.23.01	HEALTH INSURANCE	6,534.00	6,534.00	0.00	4,012.75	38.59
001-11-500.23.02	LIFE INSURANCE	71.00	71.00	0.00	42.85	39.65
001-11-500.25.00	UNEMPLOYMENT COMPENSATION	244.00	244.00	0.00	219.61	10.00
001-11-510.31.00	PROFESSIONAL SERVICES	250.00	250.00	0.00	250.00	0.00
001-11-510.40.00	TRAVEL & MEETINGS	4,465.00	4,465.00	0.00	3,970.38	11.08
001-11-510.40.10	TRAVEL & MEETINGS - STAFF	2,100.00	2,100.00	0.00	1,135.87	45.91
001-11-510.47.00	PRINTING	12,593.00	12,593.00	0.00	10,676.22	15.22
001-11-510.48.00	PROMOTIONAL ACTIVITIES	800.00	800.00	0.00	704.83	11.90
001-11-510.48.40	LEGAL NOTICES	10,000.00	10,000.00	0.00	9,992.10	0.08
001-11-510.49.50	ELECTION EXPENSE	11,000.00	11,000.00	0.00	948.16	91.38
001-11-510.54.00	DUES & SUBSCRIPTIONS	720.00	720.00	0.00	220.00	69.44
001-11-510.54.10	TRAINING & SCHOOLS	3,560.00	3,560.00	0.00	2,771.00	22.16
001-11-510.64.01	CAPITAL OUTLAY	85,700.00	85,700.00	4,740.00	71,800.00	16.22
001-11-543.00.00	LICENSES & FEES	34,267.00	34,267.00	0.00	18,981.48	44.61
						25.67
Department: 12 EXECUTIVE						
001-12-500.12.00	REGULAR SALARIES	147,720.00	147,720.00	0.00	105,259.94	28.74
001-12-500.21.00	FICA TAXES - EMPLOYER PORTION	11,301.00	11,301.00	0.00	7,643.20	32.37
001-12-500.22.01	RETIREMENT - ICMA	15,247.00	15,247.00	0.00	10,896.04	28.54
001-12-500.22.20	RETIREMENT TOWN EMPLOYEES	4,937.00	4,937.00	0.00	3,526.16	28.58
001-12-500.23.01	HEALTH INSURANCE	28,117.00	28,117.00	0.00	18,828.64	33.03
001-12-500.23.02	LIFE INSURANCE	828.00	828.00	0.00	510.47	38.35
001-12-500.25.00	UNEMPLOYMENT COMPENSATION	212.00	212.00	0.00	150.60	28.96

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-12-510.40.00	TRAVEL & MEETINGS	1,820.00	1,820.00	0.00	1,785.00	1.92
001-12-510.49.99	MISCELLANEOUS	300.00	300.00	0.00	300.00	0.00
001-12-510.52.50	GAS & OIL	2,400.00	2,400.00	0.00	1,600.00	33.33
001-12-510.54.00	DUES & SUBSCRIPTIONS	3,511.00	3,511.00	0.00	2,124.73	39.48
001-12-510.54.10	TRAINING & SCHOOLS	1,680.00	1,680.00	0.00	1,680.00	0.00
						29.24
Department: 13 FINANCE						
001-13-500.12.00	REGULAR SALARIES	112,950.00	112,950.00	0.00	80,660.87	28.59
001-13-500.21.00	FICA TAXES - EMPLOYER PORTION	8,641.00	8,641.00	0.00	6,180.12	28.48
001-13-500.22.20	RETIREMENT TOWN EMPLOYEES	15,327.00	15,327.00	0.00	10,945.33	28.59
001-13-500.23.01	HEALTH INSURANCE	39,000.00	39,000.00	0.00	29,344.30	24.76
001-13-500.23.02	LIFE INSURANCE	297.00	297.00	0.00	240.70	18.96
001-13-500.25.00	UNEMPLOYMENT COMPENSATION	158.00	158.00	0.00	112.19	28.99
001-13-510.32.00	AUDITING SERVICES	32,600.00	32,600.00	0.00	27,850.00	14.57
001-13-510.32.90	BANKING FEES	12,916.00	12,916.00	0.00	9,515.31	26.33
001-13-510.40.00	TRAVEL & MEETINGS	1,221.00	1,221.00	0.00	1,191.25	2.44
001-13-510.47.00	PRINTING	216.00	216.00	0.00	216.00	0.00
001-13-510.54.00	DUES & SUBSCRIPTIONS	60.00	60.00	0.00	60.00	0.00
001-13-510.54.10	TRAINING & SCHOOLS	1,000.00	1,000.00	0.00	893.05	10.70
001-13-543.00.00	LICENSES & FEES	7,785.00	7,785.00	0.00	7,785.00	0.00
						24.63
Department: 14 LEGAL COUNSI						
001-14-510.31.00	PROFESSIONAL SERVICES	97,000.00	97,000.00	0.00	74,762.50	22.93
001-14-510.31.01	CODE ENFORCEMENT ATTORNEY	10,000.00	10,000.00	0.00	9,725.00	2.75
						21.04
Department: 15 COMPREHENS						
001-15-510.31.00	PROFESSIONAL SERVICES	26,000.00	26,000.00	0.00	22,937.50	11.78
						11.78
Department: 16 FEMA - HURRI						
001-16-520.52.05	PROTECTIVE GEAR	0.00	0.00	0.00	67.76	100.00
						100.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Department: 19 GENERAL SERV						
001-19-500.24.00	WORKERS COMPENSATION	3,687.00	3,687.00	0.00	3,687.00	0.00
001-19-510.31.00	PROFESSIONAL SERVICES	4,620.00	4,620.00	0.00	3,108.75	32.71
001-19-510.31.11	SECURITY	1,000.00	1,000.00	0.00	1,000.00	0.00
001-19-510.34.10	JANITORIAL SERVICES	17,000.00	17,000.00	0.00	11,964.00	29.62
001-19-510.35.00	PRE-EMPLOYMENT EXP	400.00	400.00	0.00	400.00	0.00
001-19-510.41.00	TELEPHONE	25,080.00	25,080.00	0.00	17,626.90	29.72
001-19-510.41.10	COMMUNICATION SERVICES	45,372.00	45,372.00	0.00	27,287.88	39.86
001-19-510.43.00	STREET LIGHTS	50,400.00	50,400.00	0.00	37,642.76	25.31
001-19-510.43.10	ELECTRICITY	33,600.00	33,600.00	0.00	25,704.05	23.50
001-19-510.43.20	WATER & SEWER	3,650.00	3,650.00	0.00	2,753.57	24.56
001-19-510.43.50	WASTE TAX SERVICE	2,500.00	2,500.00	0.00	70.45	97.18
001-19-510.45.00	GENERAL LIABILITY INSURANCE	94,000.00	94,000.00	0.00	51,691.00	45.01
001-19-510.45.01	FLOOD INSURANCE	5,690.00	5,690.00	0.00	5,690.00	0.00
001-19-510.45.02	PROPERTY INSURANCE	128,000.00	128,000.00	0.00	79,180.17	38.14
001-19-510.45.03	AUTO INSURANCE	9,000.00	9,000.00	0.00	4,156.00	53.82
001-19-510.46.10	OFFICE EQUIPMENT MAINTENANCE	4,832.00	4,832.00	0.00	3,167.28	34.45
001-19-510.46.15	EQUIPMENT MAINTENANCE	31,500.00	31,500.00	0.00	30,197.68	4.13
001-19-510.46.36	PEST CONTROL	3,120.00	3,120.00	0.00	1,880.00	39.74
001-19-510.47.00	PRINTING	900.00	900.00	0.00	900.00	0.00
001-19-510.49.90	ADOPT AN AREA	1,000.00	1,000.00	0.00	939.27	6.07
001-19-510.49.98	CONTINGENCY	25,000.00	25,000.00	0.00	25,000.00	0.00
001-19-510.49.99	MISCELLANEOUS	300.00	300.00	0.00	147.13	50.96
001-19-510.51.00	OFFICE SUPPLIES	11,000.00	11,000.00	0.00	8,909.00	19.01
001-19-510.51.10	POSTAGE	1,500.00	1,500.00	0.00	1,068.29	28.78
001-19-510.52.10	JANITORIAL SUPPLIES	5,400.00	5,400.00	0.00	3,466.27	35.81
001-19-510.54.00	DUES & SUBSCRIPTIONS	435.00	435.00	0.00	435.00	0.00
001-19-510.64.01	CAPITAL OUTLAY	148,000.00	148,000.00	0.00	143,529.11	3.02
001-19-543.00.00	LICENSES & FEES	20,585.00	20,585.00	0.00	13,779.14	33.06
001-19-581.00.00	TRANSFER OUT	77,000.00	77,000.00	0.00	0.00	100.00
						33.02

Department: 21 LAW ENFORCE Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-21-500.12.00	REGULAR SALARIES	721,855.00	721,855.00	0.00	547,899.35	24.10
001-21-500.12.50	HOLIDAY PAY	23,000.00	23,000.00	0.00	3,930.77	82.91
001-21-500.14.00	SALARIES OVERTIME	15,000.00	15,000.00	0.00	11,030.86	26.46
001-21-500.14.16	HURRICANE PAY	18,000.00	18,000.00	0.00	18,000.00	0.00
001-21-500.15.00	EDUCATION INCENTIVE PAY	7,634.00	7,634.00	0.00	5,465.43	28.41
001-21-500.15.01	FIRST RESPONDER	6,000.00	6,000.00	0.00	4,146.43	30.89
001-21-500.21.00	FICA TAXES - EMPLOYER PORTION	54,888.00	54,888.00	0.00	39,816.23	27.46
001-21-500.22.02	POLICE PENSION	142,500.00	142,500.00	0.00	108,446.57	23.90
001-21-500.22.20	RETIREMENT TOWN EMPLOYEES	5,217.00	5,217.00	0.00	3,806.54	27.04
001-21-500.23.01	HEALTH INSURANCE	105,440.00	105,440.00	0.00	70,110.95	33.51
001-21-500.23.02	LIFE INSURANCE	2,900.00	2,900.00	0.00	1,962.45	32.33
001-21-500.23.10	STATUTORY AD&D	1,000.00	1,000.00	0.00	(162.50)	116.25
001-21-500.24.00	WORKERS COMPENSATION	8,848.00	8,848.00	0.00	436.00	95.07
001-21-500.25.00	UNEMPLOYMENT COMPENSATION	2,296.00	2,296.00	0.00	2,008.17	12.54
001-21-520.31.00	PROFESSIONAL SERVICES	725.00	725.00	0.00	575.00	20.69
001-21-520.34.40	DISPATCHING SERVICES	18,319.00	18,319.00	0.00	(549.11)	103.00
001-21-520.35.00	PRE-EMPLOYMENT EXPENSE	1,000.00	1,000.00	0.00	474.00	52.60
001-21-520.40.00	TRAVEL & MEETINGS	3,184.00	3,184.00	0.00	3,184.00	0.00
001-21-520.41.10	COMMUNICATION SERVICES	6,000.00	6,000.00	0.00	2,965.04	50.58
001-21-520.46.10	OFFICE EQUIPMENT MAINTENANCE	7,000.00	7,000.00	0.00	7,000.00	0.00
001-21-520.46.15	EQUIPMENT MAINTENANCE	2,500.00	2,500.00	0.00	(145.70)	105.83
001-21-520.46.16	RADAR CALIBRATION	250.00	250.00	0.00	7.00	97.20
001-21-520.46.20	VEHICLE MAINTENANCE	17,000.00	17,000.00	0.00	13,963.09	17.86
001-21-520.48.00	PROMOTIONAL ACTIVITIES	1,500.00	1,500.00	0.00	1,431.18	4.59
001-21-520.48.50	CRIME PREVENTION	1,500.00	1,500.00	0.00	1,469.26	2.05
001-21-520.49.99	MISCELLANEOUS	100.00	100.00	0.00	72.64	27.36
001-21-520.51.10	POSTAGE	125.00	125.00	0.00	125.00	0.00
001-21-520.52.00	UNIFORMS	8,500.00	8,500.00	0.00	7,838.20	7.79
001-21-520.52.05	PROTECTIVE GEAR	3,500.00	3,500.00	0.00	3,500.00	0.00
001-21-520.52.50	GAS & OIL	25,000.00	25,000.00	0.00	19,276.51	22.89
001-21-520.52.70	MEDICAL	800.00	800.00	0.00	800.00	0.00
001-21-520.52.90	OPERATING SUPPLIES	3,000.00	3,000.00	0.00	2,229.69	25.68
001-21-520.54.00	DUES & SUBSCRIPTIONS	1,175.00	1,175.00	0.00	470.00	60.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-21-520.54.10	TRAINING & SCHOOLS	6,400.00	6,400.00	0.00	6,400.00	0.00
001-21-520.64.01	Capital Outlay	8,400.00	8,400.00	0.00	318.57	96.21
001-21-543.00.00	LICENSES & FEES	14,646.00	14,646.00	0.00	8,843.90	39.62
001-21-581.00.00	TRANSFER OUT	15,000.00	15,000.00	0.00	0.00	100.00
						28.81

Department: 22 FIRE CONTROL

001-22-500.12.00	REGULAR SALARIES	96,226.00	96,226.00	0.00	68,917.89	28.38
001-22-500.14.16	HURRICANE PAY	1,890.00	1,890.00	0.00	1,890.00	0.00
001-22-500.14.50	STIPEND PAYROLL	44,000.00	44,000.00	0.00	44,000.00	0.00
001-22-500.21.00	FICA TAXES - EMPLOYER PORTION	10,727.00	10,727.00	0.00	8,630.66	19.54
001-22-500.22.01	RETIREMENT - ICMA	9,248.00	9,248.00	0.00	6,604.44	28.59
001-22-500.22.20	RETIREMENT TOWN EMPLOYEES	3,591.00	3,591.00	0.00	2,528.85	29.58
001-22-500.23.01	HEALTH INSURANCE	28,200.00	28,200.00	0.00	17,210.05	38.97
001-22-500.23.02	LIFE INSURANCE	148.00	148.00	0.00	91.70	38.04
001-22-500.23.10	STATUTORY AD&D	207.00	207.00	0.00	(162.50)	178.50
001-22-500.24.00	WORKERS COMPENSATION	16,222.00	16,222.00	0.00	7,810.00	51.86
001-22-500.25.00	UNEMPLOYMENT COMPENSATION	241.00	241.00	0.00	202.28	16.07
001-22-520.34.40	DISPATCHING SERVICES	5,400.00	5,400.00	0.00	4,000.00	25.93
001-22-520.35.00	PRE-EMPLOYMENT EXPENSE	2,060.00	2,060.00	0.00	1,709.00	17.04
001-22-520.36.00	ANNUAL PHYSICALS	4,375.00	4,375.00	0.00	4,175.00	4.57
001-22-520.40.00	TRAVEL & MEETINGS	750.00	750.00	0.00	434.53	42.06
001-22-520.41.10	COMMUNICATION SERVICES	1,944.00	1,944.00	0.00	1,134.00	41.67
001-22-520.46.15	EQUIPMENT MAINTENANCE	10,000.00	10,000.00	0.00	5,984.41	40.16
001-22-520.46.20	VEHICLE MAINTENANCE	32,000.00	32,000.00	0.00	30,763.13	3.87
001-22-520.46.30	BUILDING MAINTENANCE	1,000.00	1,000.00	0.00	929.78	7.02
001-22-520.51.00	OFFICE SUPPLIES	800.00	800.00	0.00	774.12	3.24
001-22-520.52.00	UNIFORMS	12,650.00	12,650.00	0.00	12,393.03	2.03
001-22-520.52.02	S.C.B.A.	2,550.00	2,550.00	0.00	(507.56)	119.90
001-22-520.52.05	PROTECTIVE GEAR	2,925.00	2,925.00	0.00	1,549.40	47.03
001-22-520.52.10	JANITORIAL SUPPLIES	1,000.00	1,000.00	0.00	620.55	37.95
001-22-520.52.20	TOOLS & HARDWARE	10,500.00	10,500.00	0.00	10,414.30	0.82
001-22-520.52.50	GAS & OIL	5,000.00	5,000.00	0.00	4,148.20	17.04

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-22-520.52.70	MEDICAL	1,400.00	1,400.00	0.00	543.20	61.20
001-22-520.54.00	DUES & SUBSCRIPTIONS	610.00	610.00	0.00	235.00	61.48
001-22-520.54.10	TRAINING & SCHOOLS	5,525.00	5,525.00	0.00	1,722.00	68.83
001-22-520.54.12	TRAINING MATERIALS	3,200.00	3,200.00	0.00	2,907.61	9.14
001-22-520.64.01	Capital Outlay	82,369.00	82,369.00	0.00	2,909.98	96.47
001-22-543.00.00	LICENSES & FEES	13,473.00	13,473.00	0.00	6,485.00	51.87
001-22-581.00.00	TRANSFER OUT	36,500.00	36,500.00	0.00	0.00	100.00
						43.80

Department: 29 CODE ENFORC

001-29-500.12.00	REGULAR SALARIES	15,792.00	15,792.00	0.00	12,209.35	22.69
001-29-500.21.00	FICA TAXES - EMPLOYER PORTION	1,208.00	1,208.00	0.00	881.35	27.04
001-29-500.22.20	RETIREMENT TOWN EMPLOYEES	2,143.00	2,143.00	0.00	1,563.55	27.04
001-29-500.23.10	STATUTORY AD&D	21.00	21.00	0.00	0.00	100.00
001-29-500.24.00	WORKERS COMPENSATION	738.00	738.00	0.00	738.00	0.00
001-29-500.25.00	UNEMPLOYMENT COMPENSATION	51.00	51.00	0.00	44.79	12.18
001-29-520.40.00	TRAVEL & MEETINGS	50.00	50.00	0.00	50.00	0.00
001-29-520.46.12	MAINTENANCE SUPPLIES	100.00	100.00	0.00	100.00	0.00
001-29-520.46.20	VEHICLE MAINTENANCE	150.00	150.00	0.00	150.00	0.00
001-29-520.48.55	FIRE PREVENTION	4,600.00	4,600.00	0.00	2,669.64	41.96
001-29-520.51.00	OFFICE SUPPLIES	125.00	125.00	0.00	125.00	0.00
001-29-520.51.10	POSTAGE	350.00	350.00	0.00	298.16	14.81
001-29-520.51.20	RECORDING COSTS	120.00	120.00	0.00	120.00	0.00
001-29-520.52.00	UNIFORMS	300.00	300.00	0.00	300.00	0.00
001-29-520.54.00	DUES & SUBSCRIPTIONS	150.00	150.00	0.00	150.00	0.00
001-29-520.54.10	TRAINING & SCHOOLS	600.00	600.00	0.00	600.00	0.00
001-29-543.00.00	LICENSES & FEES	1,000.00	1,000.00	0.00	1,000.00	0.00
						23.63

Department: 41 PUBLIC WORKS		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-41-500.12.00	REGULAR SALARIES	253,947.00	253,947.00	0.00	188,166.85	25.90
001-41-500.14.00	SALARIES OVERTIME	4,000.00	4,000.00	0.00	3,355.59	16.11
001-41-500.21.00	FICA TAXES - EMPLOYER PORTION	19,427.00	19,427.00	0.00	14,276.76	26.51
001-41-500.22.20	RETIREMENT TOWN EMPLOYEES	34,461.00	34,461.00	0.00	25,447.24	26.16
001-41-500.23.01	HEALTH INSURANCE	46,000.00	46,000.00	0.00	30,880.49	32.87
001-41-500.23.02	LIFE INSURANCE	294.00	294.00	0.00	109.67	62.70
001-41-500.23.10	STATUTORY AD&D	83.00	83.00	0.00	0.00	100.00
001-41-500.24.00	WORKERS COMPENSATION	4,424.00	4,424.00	0.00	4,424.00	0.00
001-41-500.25.00	UNEMPLOYMENT COMPENSATION	813.00	813.00	0.00	716.77	11.84
001-41-530.40.00	TRAVEL & MEETINGS	150.00	150.00	0.00	150.00	0.00
001-41-530.43.15	ELECTRICAL WORK	5,000.00	5,000.00	0.00	2,126.97	57.46
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	6,500.00	6,500.00	0.00	5,929.43	8.78
001-41-530.46.15	EQUIPMENT MAINTENANCE	5,000.00	5,000.00	0.00	4,856.72	2.87
001-41-530.46.20	VEHICLE MAINTENANCE	9,500.00	9,500.00	0.00	4,997.19	47.40
001-41-530.46.30	BUILDING MAINTENANCE	9,000.00	9,000.00	0.00	8,533.50	5.18
001-41-530.46.31	MAINTENANCE OLD TOWN HALL	600.00	600.00	0.00	600.00	0.00
001-41-530.46.32	RYCKMAN HOUSE	1,000.00	1,000.00	0.00	(700.00)	170.00
001-41-530.46.33	OLD POST OFFICE REPAIRS	2,000.00	2,000.00	0.00	1,869.69	6.52
001-41-530.46.35	PIER MAINTENANCE	1,000.00	1,000.00	0.00	1,000.00	0.00
001-41-530.46.40	GROUNDS MAINTENANCE	10,000.00	10,000.00	0.00	7,340.61	26.59
001-41-530.52.00	UNIFORMS	3,750.00	3,750.00	0.00	2,630.94	29.84
001-41-530.52.05	PROTECTIVE GEAR	2,500.00	2,500.00	0.00	1,901.14	23.95
001-41-530.52.20	TOOLS & HARDWARE	5,000.00	5,000.00	0.00	4,347.97	13.04
001-41-530.52.25	TOOL RENTALS	1,500.00	1,500.00	0.00	645.85	56.94
001-41-530.52.50	GAS & OIL	7,000.00	7,000.00	0.00	4,777.92	31.74
001-41-530.53.10	STREET REPAIR	7,500.00	7,500.00	0.00	4,605.82	38.59
001-41-530.53.20	STREET SIGNS	8,000.00	8,000.00	0.00	7,114.95	11.06
001-41-530.54.10	TRAINING & SCHOOLS	1,500.00	1,500.00	0.00	1,500.00	0.00
001-41-530.57.25	WELDING	200.00	200.00	0.00	200.00	0.00
001-41-530.64.01	CAPITAL OUTLAY	4,000.00	4,000.00	0.00	4,000.00	0.00
001-41-581.00.00	TRANSFER OUT	10,000.00	10,000.00	0.00	0.00	100.00
						27.53

Department: 42 GROUNDS KEE Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
001-42-530.34.91	LANDSCAPING	22,300.00	22,300.00	0.00	18,167.38	18.53
001-42-530.46.15	EQUIPMENT MAINTENANCE	2,500.00	2,500.00	0.00	2,144.98	14.20
001-42-530.46.40	GROUNDS MAINTENANCE	26,000.00	26,000.00	0.00	25,198.65	3.08
001-42-530.46.43	TREE EXPENSE	3,000.00	3,000.00	0.00	3,000.00	0.00
001-42-530.52.00	UNIFORMS	3,125.00	3,125.00	0.00	3,085.10	1.28
001-42-530.52.05	PROTECTIVE GEAR	575.00	575.00	0.00	575.00	0.00
001-42-530.52.20	TOOLS & HARDWARE	500.00	500.00	0.00	424.02	15.20
001-42-530.52.50	GAS & OIL	1,000.00	1,000.00	0.00	858.17	14.18
001-42-530.54.10	TRAINING & SCHOOLS	375.00	375.00	0.00	375.00	0.00
001-42-530.64.01	CAPITAL OUTLAY	0.00	0.00	0.00	(7,134.60)	100.00
001-42-581.00.00	TRANSFER OUT	4,250.00	4,250.00	0.00	0.00	100.00

26.61

Department: 72 PARKS & RECR

001-72-570.48.10	FOUNDER'S DAY	8,000.00	8,000.00	0.00	8,000.00	0.00
001-72-570.48.50	MOVIES IN THE PARK	1,800.00	1,800.00	0.00	1,335.00	25.83
001-72-570.48.52	FOURTH OF JULY	1,000.00	1,000.00	0.00	1,000.00	0.00
001-72-570.48.53	CHRISTMAS DECORATIONS PARK	4,000.00	4,000.00	0.00	(592.55)	114.81
001-72-570.48.60	EASTER EGG HUNT	400.00	400.00	0.00	400.00	0.00
001-72-570.48.90	RECREATION PROGRAMS	5,000.00	5,000.00	0.00	4,467.88	10.64
001-72-570.48.91	CHILDREN'S BUSINESS FAIR	5,000.00	5,000.00	0.00	5,000.00	0.00
001-72-570.63.01	TENNIS COURT EXPEDITURES	700.00	700.00	0.00	700.00	0.00
001-72-570.63.02	BBALL & VBALL COURTS	700.00	700.00	0.00	0.00	100.00
001-72-570.64.01	CAPITAL OUTLAY	30,000.00	30,000.00	0.00	30,000.00	0.00

11.11

GF Overall Expenditure Rate:

37.17

Fund: 125 BUILDING DEPT
Account Category: Revenues

125-24-322.00.00	BUILDING PERMITS	240,000.00	240,000.00	0.00	190,407.50	20.66
125-24-322.10.00	ZONING PLAN REVIEW	2,500.00	2,500.00	0.00	2,468.75	1.25
125-24-322.10.10	SITE PLAN REVIEW P&Z	6,000.00	6,000.00	0.00	6,000.00	0.00

Fund: 145 AMERICAN RESCUE I Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Account Category: Revenues						
Department: 00						
145-00-271.00.99	CARRY FORWARD	759,385.36	759,385.36	0.00	759,385.36	0.00
						0.00
Account Category: Expenditure						
Department: 41 PUBLIC WORKS						
145-41-530.64.01	CAPITAL OUTLAY	758,533.87	758,533.87	0.00	758,293.87	0.03
						0.03
Fund: 172 OCEAN PARK PARKING						
Account Category: Revenues						
Department: 00						
172-00-271.00.99	CARRY FORWARD	51,144.00	51,144.00	0.00	51,144.00	0.00
						0.00
Department: 75 TOWN PARKS						
172-75-342.10.00	PARKING TICKET REVENUE	12,000.00	12,000.00	0.00	9,250.00	22.92
172-75-344.50.00	PARKING METER REVENUE	95,000.00	95,000.00	0.00	82,049.60	13.63
						14.67
Account Category: Expenditure						
172-75-575.31.02	LIFEGUARD CONTRACT	73,000.00	73,000.00	0.00	73,000.00	0.00
172-75-575.32.90	BANKING FEES	5,500.00	5,500.00	0.00	4,234.58	23.01
172-75-575.34.10	JANITORIAL CLEANING	1,800.00	1,800.00	0.00	1,200.00	33.33
172-75-575.34.91	LANDSCAPING	1,500.00	1,500.00	0.00	1,278.27	14.78
172-75-575.41.10	IPS COMMUNICATIONS FEE	5,000.00	5,000.00	0.00	4,357.11	12.86
172-75-575.43.10	ELECTRICITY	3,000.00	3,000.00	0.00	2,319.37	22.69
172-75-575.43.20	WATER & SEWER	1,200.00	1,200.00	0.00	934.56	22.12
172-75-575.43.50	DUMP SERVICE	250.00	250.00	0.00	250.00	0.00
172-75-575.46.12	MAINTENANCE SUPPLIES	3,000.00	3,000.00	0.00	961.74	67.94
172-75-575.46.31	BUILDING MAINT RESTROOMS	400.00	400.00	0.00	(185.65)	146.41
172-75-575.46.40	GROUNDS MAINTENANCE	1,200.00	1,200.00	0.00	759.46	36.71
172-75-575.52.10	JANITORIAL SUPPLIES	350.00	350.00	0.00	350.00	0.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
172-75-575.52.25	TOOL RENTAL	3,000.00	3,000.00	0.00	3,000.00	0.00
172-75-575.53.15	PARKING LOT REPAIRS	1,500.00	1,500.00	0.00	1,500.00	0.00
172-75-575.53.20	SIGNS	800.00	800.00	0.00	800.00	0.00
172-75-575.63.03	VOLLEYBALL COURT	2,000.00	2,000.00	0.00	1,950.01	2.50
172-75-575.63.05	BOCCE BALL COURT	0.00	0.00	0.00	(4,363.56)	100.00
172-75-575.64.01	CAPITAL OUTLAY	6,000.00	6,000.00	0.00	5,750.15	4.16
172-75-581.00.00	TRANSFER OUT	1,400.00	1,400.00	0.00	0.00	100.00
						11.55

Fund: 175 RYCKMAN CROSSOV

Account Category: Revenues

Department: 00

175-00-271.00.99	CARRY FORWARD	120,556.74	120,556.74	0.00	120,556.74	0.00
						0.00

Department: 75 TOWN PARKS

175-75-342.10.00	PARKING TICKET REVENUE	3,500.00	3,500.00	0.00	1,450.00	58.57
175-75-344.50.00	PARKING METER REVENUE	89,000.00	89,000.00	0.00	68,353.28	23.20
175-75-344.50.10	PARK PASS REVENUE	2,500.00	2,500.00	0.00	1,100.00	56.00
						25.36

Account Category: Expenditure

175-75-575.31.00	PROFESSIONAL SERVICES	0.00	0.00	0.00	(3,000.00)	100.00
175-75-575.32.90	BANKING FEES	3,400.00	3,400.00	0.00	2,556.38	24.81
175-75-575.41.15	IPS COMMUNICATION FEE	2,800.00	2,800.00	0.00	2,371.41	15.31
175-75-575.47.00	PRINTING	0.00	0.00	0.00	(954.97)	100.00
175-75-575.48.52	FALL FESTIVAL	4,000.00	4,000.00	0.00	260.75	93.48
175-75-575.48.53	WINTER FESTIVAL	4,000.00	4,000.00	0.00	4,000.00	0.00
175-75-575.50.00	RECREATION PROGRAMS	10,500.00	10,500.00	0.00	7,250.00	30.95
175-75-575.64.01	CAPITAL OUTLAY	50,000.00	50,000.00	0.00	50,000.00	0.00
175-75-575.73.00	CULTURAL SERVICES	3,500.00	3,500.00	0.00	2,963.08	15.34
175-75-581.00.00	TRANSFER OUT	91,500.00	91,500.00	0.00	0.00	100.00
						61.43

Fund: 351 LAND & ROAD IMPR Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Bdgt
Account Category: Revenues						
Department: 00						
351-00-271.00.99	CARRY FORWARD	27,397.17	27,397.17	0.00	27,397.17	0.00
351-00-381.00.00	TRANSFERS IN	90,000.00	90,000.00	0.00	0.00	100.00
						76.66
Account Category: Expenditure						
Department: 41 PUBLIC WORKS						
351-41-570.31.00	PROFESSIONAL SERVICES	5,000.00	5,000.00	0.00	3,947.50	21.05
351-41-570.31.21	ENGINEERING SERVICES	20,000.00	20,000.00	0.00	20,000.00	0.00
351-41-570.34.91	LANDSCAPING	10,000.00	10,000.00	0.00	8,896.00	11.04
351-41-570.46.40	GROUNDS MAINTENANCE	0.00	0.00	0.00	(1,183.10)	100.00
351-41-570.46.43	TREE EXPENSE	9,000.00	9,000.00	0.00	9,000.00	0.00
351-41-570.52.25	TOOL RENTALS	3,000.00	3,000.00	0.00	3,000.00	0.00
351-41-570.53.20	STREET SIGNS	20,000.00	20,000.00	0.00	9,999.36	50.00
351-41-570.64.01	CAPITAL OUTLAY	50,000.00	50,000.00	0.00	50,000.00	0.00
						11.40

Parks Board
Town Manager and Town Commission Report
February 16, 2024

As the Town asked the Parks Board to formalize at the end of 2023, I thought it would be a good opportunity to provide you the volunteers that make-up the current Parks Board:

Voting Members

Dawn Barlow, Chairperson
Danika Feodoroff Warren, Secretary
Heidi Brewer
Haley Conrad
Sabrina Cornelius
Lisa Kishegyi

Non-voting Members

Julianne Samuels
Rebecca Stevens

Our Melbourne Beach Town Ordinance provides the following related to the Parks Board:

The Parks Board is created and shall have the power and authority to research and study all resources and assets available to the town in an effort to furnish recommendations and suggestions to the Town Commission and Town Manager to improve, enhance, and manage existing parks and to create and develop new parks and park facilities. In addition, said Board shall give its recommendations to the Town Manager as to approval or denial of each special events permit request.

Parks and park facilities shall include the town pier, parks and beach accesses, community center building and recreational facilities, and any other facilities which may in the future be used for museums, zoological gardens, observatories or such other facilities utilized for cultural events.

For the past several years, the Parks Board has been an “event” only board. The Melbourne Beach community has had several new events added to their already existing traditional events. I haven’t seen a consolidated event calendar, so below is an overview of what is happening in Melbourne Beach throughout the year. If I’ve missed anything, we will be certain to capture it for future purposes.

Weekly events

Tuesday	Sunset Yoga in Ryckman Park	6-7pm*
Wednesday	Flow and Be Strong Exercise	8:30-9:15am*
Thursday	My Musical Tree Class	10:30-11:15am*
Thursday	Gentle Yoga in Ryckman Park	6-7pm*
Friday	Qigongin Ryckman Park	9:30-10:30am
Friday	Tai Chi in Ryckman Park	10:30-11:30am

By Month

January 1	Walking History Tour of Old Melbourne Beach 10am
February 15	Stargazing with Brevard Astronomers 6-8pm*
February 17	EAB Sea Oats Planting and Native Plant Butterfly Garden 8am-1pm
February 17	"The Story of Black Hero Robert Smalls" 11am
February 24	EAB Nature Day 9am-3pm
March 2	Spring Fest – Kids Business Fair 11am-3pm*
March 30	Easter – time TBD*
June 2	Pineapple Man Tri – Sponsored by Rotary Club of Melbourne Beach 5-9am
July 4	4 th of July Celebration
November 11	Veterans Day Assembly*
November	Fall Family Fun Day and Cinema Night at Ryckman Park
December	Tree Lighting in Ryckman Park
December	Christmas with Santa
December	MBVFD Children's Christmas Parade and Pancake Breakfast
December 24	MBVFD Christmas Eve Santa Run

*Parks Board sponsored events

I appreciate the Town Manager taking time from her schedule to meet with me as I've gotten settle into the Chairperson role. She has shared that the Circle Park (Veteran's Memorial) was on hold for the past several months, and there is also a desire to look at playground equipment replacement. Our board thought it would be a good idea to offer a round table working session dedicated to overall park improvements to be scheduled in March/April to allow for topics to be reviewed and prioritized. In addition, from the last Town Commission meeting, we are aware of the beach crossovers improvements that Public Works is leading.

Our annual Parks Board budget is \$5,000. Currently, we have \$4,467.88 remaining. The Spring Fest – Kids Business Fair is self-funding. The weekly exercise activities hosted are now supported outside our budget. In addition, there are some events that are covered by both the Town and the Parks Board. For example, Easter has \$400 in the Town budget and \$1,000 in the Parks Board budget.

In summary, the Parks Board wants to align with the Town Ordinance, expanding beyond events. The Parks Board would like to help the residents and the Town identify/prioritize overall park improvements.

Public Works Activities

January 2024

Removed Christmas decorations from all locations

Landscaped trimmed 3rd beach crossover

Completed annual water backflow checks on city water supplies

Performed weekly vehicle maintenance checks

Installed fan ryckman bathrooms

Met with well repair company ref. leaking valve deep well by river

Inspected replaced any safety equipment of all personnel

Added additional fill dirt to site of stormwater repair Pine and Ocean

Directed removal and replacement of ac and insulation at Old Town Hall

Installed remaining new sign poles on Riverside Dr. to north Town limits

Replaced defective stop signs on Riverside – replacements at no cost

Replaced check valve on irrigation system north Bicentennial Park

Accompanied Code Officer to Avenue A reference overgrown yard

Installed replacement power cord for PD

Complete cleaning and reorganized PW shop area during rain day

Inspected fire rings on beach numerous times after had been used

Purchased sand and blended into bocce ball court to complete playing surface

Cleared stormwater baffle box Riverside/Harlan after heavy rains

Multiple truckloads of palm branches cleaned up after storms

Worked with exterminator ref. rat problem Old Town Hall sealed a hole

Landscape maintenance of all parks/crossovers and around Town Hall

Began plans for rebuild of 5th beach crossover

Constructing covered areas over bocce courts

Numerous street and traffic control signs installed throughout Town

Replaced broken hand soap dispensers Ryckman and Ocean Parks

Washed outer walls of Ocean park restroom building for mural maintenance

Mover speed trailer for PD several times

Trimmed sea grape at Shannon an Citrus

Completed playground inspection

Completely cleaned and trimmed 6th Ave. beach crossover



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Building Department Report

JANUARY 2024

- permits issued 49
- Construction value of the \$1,031,875.96 permits totaled \$15,905.03
- Total permit fees \$15,905.03
- Inspections completed 84
- Plans reviewed 49
- Site plan review for P&Z 0
- Vacation rental inspections 1
- New home 0
- Stop work order 2

Monthly Permit List

02/02/2024

1/6

Com Building

Permit #	Applicant	Address	Fee Total	Const. Value
PCB24-0001	MELBOURNE BEACH, TOWN OF	190 OCEAN AVE PARK	\$0.00	\$1.00
Work Description: Install covered shade structure over each end of Bocce Court				

Total Permits For Type: 1
Total Fees For Type: \$0.00
Total Const. Value For Type: \$1.00

Demolition

Permit #	Applicant	Address	Fee Total	Const. Value
PD24-0001	HUG, HARPER	521 ANDREWS DR	\$154.25	\$1200.00
Work Description: Interior demolition to expose structural elements for plan development				

Total Permits For Type: 1
Total Fees For Type: \$154.25
Total Const. Value For Type: \$1200.00

Electrical

Permit #	Applicant	Address	Fee Total	Const. Value
PE24-0001	HANEY, BRIAN	222 5TH AVE.	\$79.00	\$2400.00
Work Description: REMOVE EXISTING 150A EXTERIOR PANEL, INSTALL NEW 150A 8/16 OVER/UNDER METER MAIN COMBP				
PE24-0006	Goins, Peter	409 5TH AVE	\$79.00	\$400.00
Work Description: minor electrical modifications required due to re-plumbing of house. Recetacles and fixtures only				
PE24-0010	Kenwin A Logan	222 SIXTH AVE	\$79.00	\$1200.00
Work Description: replace existing meter can with overhead riser, new 200amp meter/main combo w/2" overhead riser				
PE24-0005	HECK, JAMES & TIA	320 6TH AVE	\$154.25	\$5000.00
Work Description: 200A underground conversion				
PE24-0008	HECK, JAMES & TIA	511 ANDREWS DR	\$79.00	\$1700.00
Work Description: REPLACE PANEL				
PE24-0004	Robert Miller	406 AVENUE A	\$112.75	\$3625.00
Work Description: Like for like replace 150 AMP indoor panel				
PE24-0007	Hughes, Chris	209 FIR AVE	\$79.00	\$2210.00
Work Description: REPLACE METER, DOWNPIPE, 200 mcb				
PE24-0002	HEIL, CHRIS	206 FIR AVE	\$79.00	\$2000.00
Work Description: service disconnect and main panel				
PE24-0003	SCOTT SALLADE	416 OAK STREET	\$0.00	\$2000.00

Total Permits For Type: 9
Total Fees For Type: \$741.00
Total Const. Value For Type: \$20535.00

Fence

Permit #	Applicant	Address	Fee Total	Const. Value
PF24-0001	All Florida Fence	215 CHERRY DR	\$79.00	\$1500.00
Work Description: Install 68' 6' wood privacy fence				

Total Permits For Type: 1
Total Fees For Type: \$79.00
Total Const. Value For Type: \$1500.00

Generator

Permit #	Applicant	Address	Fee Total	Const. Value
PG24-0001	SAMS LP GAS COMPANY INC	400 HIBISCUS TRL	\$79.00	\$1995.00
Work Description: Gas line to generator burying a 500 gallon LP tank				

Total Permits For Type: 1
Total Fees For Type: \$79.00
Total Const. Value For Type: \$1995.00

Mechanical

Permit #	Applicant	Address	Fee Total	Const. Value
PM24-0005	Jerry Lawson	2203 ATLANTIC ST 724	\$341.33	\$13300.00
Work Description: HVAC replacement				
PM24-0003	Gerry C Doyle	210 CHERRY DR	\$246.00	\$8000.00
Work Description: A/C change out				
PM24-0004	Matine, Bret	315 OCEAN AVE	\$199.93	\$6500.00
Work Description: Hang kitchen hood and install minisplit in kitchen space (AHRI20769241)				
PM24-0002	Ralph W Durham	501 RIVERSIDE DR	\$404.59	\$19472.00
Work Description: exact replacement 5ton heart pump AC system w 8K emerg electric heat				

Total Permits For Type: 4
Total Fees For Type: \$1191.85
Total Const. Value For Type: \$47272.00

Paver, Concrete, & Deck

Permit #	Applicant	Address	Fee Total	Const. Value
PCD24-0001	BLADIN, THOMAS DOUGLAS	206 ASH AVE	\$79.00	\$2000.00
Work Description: Add to concrete driveway				

Work Description: replace wood decking with brick pavers. Patio and walkways

Total Permits For Type: 2
Total Fees For Type: \$394.40
Total Const. Value For Type: \$12770.00

Plumbing

Permit #	Applicant	Address	Fee Total	Const. Value
PP23-0021	Procell, Andrew	222 THIRD AVE	\$355.13	\$14647.45
Work Description: Shower pan and guest bath remodel				
PP24-0001	RICHARD L CAMPBELL	409 5TH AVE	\$79.00	\$2400.00
Work Description: Re-plumb existing cast iron drain lines that have collapsed				
PP24-0004	Graham, Alec	1804 PINE ST	\$124.00	\$4000.00
Work Description: Run new 4" PVC sewer line from existing gray water clean out to front of house. Make connection to existing sewer line in front yard				

Total Permits For Type: 3
Total Fees For Type: \$558.13
Total Const. Value For Type: \$21047.45

Pool

Permit #	Applicant	Address	Fee Total	Const. Value
PPL24-0001	Excel Construction Corp	313 OAK ST	\$1230.00	\$100000.00
Work Description: New swimming pool/spa				

Total Permits For Type: 1
Total Fees For Type: \$1230.00
Total Const. Value For Type: \$100000.00

Pool Enclosure

Permit #	Applicant	Address	Fee Total	Const. Value
PPE24-0001	Housman's Aluminum & Screening Inc	2007 OAK ST	\$538.79	\$17848.60
Work Description: Install screen enclosure				

Total Permits For Type: 1
Total Fees For Type: \$538.79
Total Const. Value For Type: \$17848.60

Pool Resurface

Permit #	Applicant	Address	Fee Total	Const. Value
PPR24-0001	Brevard Pools Inc	505 HARLAND AVE	\$265.99	\$8650.00
Work Description: Pool resurface				

Total Permits For Type: 1
Total Fees For Type: \$265.99
Total Const. Value For Type: \$8650.00

Reroof

Permit #	Applicant	Address	Fee Total	Const. Value
PRR24-0001	WAYPOINT ROOFING & CONSTRUCTION	1500 ATLANTIC ST 2-C	\$651.49	\$12172.51
	Work Description: Reroof Unit 2C only 14sq PNS 4/12			
PRR24-0007	BARFIELD CONTRACTING & ASSOCIATES	1700 ATLANTIC ST	\$899.44	\$67750.00
	Work Description: Reroof TPO & Tapered ISO 53 squares 1/12 pitch			
PRR24-0006	Melbourne Roofing and Repairs	1908 CEDAR LANE	\$403.23	\$19340.40
	Work Description: Replacement of slope and flat roof			
PRR24-0005	Florida Top Shield Roofing Inc	402 CORAL AVE	\$398.93	\$18920.00
	Work Description: REROOF 44 SQUARES SHINGLE TO SHINGLE			
PRR24-0004	Florida Native Roofing Inc	1902 NEPTUNE DR	\$418.97	\$20875.00
	Work Description: shingle reroof, 44q, 6/12			
PRR24-0003	HENNES ROOFING COMPANY LLC	301 OAK ST	\$541.20	\$32800.00
	Work Description: Reroof 19 squares flat roof and 29 squares shingles on a 4:12 & 24:12 pitch			

Total Permits For Type: 6
Total Fees For Type: \$3313.26
Total Const. Value For Type: \$171857.91

Res Building

Permit #	Applicant	Address	Fee Total	Const. Value
PRB23-0049	DRAKE, DAVID G	604 ALDEN PL	\$3151.88	\$475000.00
	Work Description: single family residence remodel			
PRB23-0050	Brevard Framing and Drywall	408 BANYAN WAY	\$378.00	\$12000.00
	Work Description: Drywall and Framing completion			
PRB24-0001	PEDERSON, RALPH	213 DOGWOOD AVE	\$348.50	\$14000.00
	Work Description: Demolition of 2 walls and ceiling tray, raise sunken living room floor and slider			

Total Permits For Type: 3
Total Fees For Type: \$3878.38
Total Const. Value For Type: \$501000.00

Shed

Permit #	Applicant	Address	Fee Total	Const. Value
PSH24-0001	TUFF SHED, INC	222 SIXTH AVE	\$273.92	\$8908.00

Total Permits For Type: 1
Total Fees For Type: \$273.92
Total Const. Value For Type: \$8908.00

Tree

Permit #	Applicant	Address	Fee Total	Const. Value
PTR24-0001	WALTERS, STEVEN O	416 SIXTH AVENUE	\$0.00	\$1.00
	Work Description: remove and dispose of 1 tree			
PTR24-0002	HUG, HARPER	521 ANDREWS DR	\$0.00	\$1.00
	Work Description: remove 4 Mango trees that are too close to the house and are damaging the foundation			

Total Permits For Type: 2
Total Fees For Type: \$0.00
Total Const. Value For Type: \$2.00

Window, Door, and Shutter Permit

Permit #	Applicant	Address	Fee Total	Const. Value
PWS24-0003	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	311 FIRST AVE	\$352.65	\$14404.88
	Work Description: Installatrion of windows			
PWS24-0007	NOBLE, LINDA S	308 SECOND AVE	\$118.00	\$3800.00
	Work Description: gargae door - replace			
PWS24-0008	AFFORABLE GLASS PROTECTION	412 THIRD AVE	\$253.23	\$8235.00
	Work Description: INSTALL HURRICANE SHUTTERS			
PWS24-0001	SUNSET VIEW CONSTRUCTION	412 ANCHOR KY	\$467.59	\$25619.13
	work Description: Installation of windows (15)			
PWS24-0010	Precision Door Service of Brevard	210 ASH AVE	\$161.38	\$5234.00
	Work Description: REPLACING CURRENT GARAGE DOOR WITH HURRICAN IMPACT RATED GARAGE DOOR W/TOP GLASS			
PWS24-0014	Pwd-Orlando Llc	703 ATLANTIC ST	\$420.25	\$21000.00
	Work Description: replacing 3 impact windows, 1 impact door and 1 non impact door size for size			
PWS24-0009	All Pro Garage Doors Inc	1902 NEPTUNE DR	\$212.02	\$6895.00
	work Description: replace 16 x 7 garage door			
PWS23-0113	ROCK HARBOR CHURCH/GRACE LUTHERAN PRESCHOOL	1805 OAK ST	\$79.00	\$2000.00
	Work Description: Install a window			
PWS24-0006	EASY UP SHUTTERS & SHADES LLC	306 S PALM AVE	\$79.00	\$1826.99
	work Description: strom Shutter Installation			

PWS24-0011	HOWARD GARAGE DOORS	449 RIVER VW	\$123.70	\$3990.00
	Work Description: Install a new garage door			
PWS24-0002	FREEDOM GARAGE DOORS LLC	801 RIVERSIDE DR	\$125.50	\$4050.00
	Work Description: Replace garage doors and openers			
PWS24-0005	HAMMOCK, JASON	402 SURF RD	\$814.74	\$20234.00
	Work Description: Home window and sliding glass door replacement with impact windows			

Total Permits For Type:	12
Total Fees For Type:	\$3207.06
Total Const. Value For Type:	\$117289.00

Grand Total Fees:	\$15,905.03
Grand Total Permits:	49.00
Grand Total Const. Value:	\$1031875.96

Permit List

Permit	Type	Address	Applicant	Issued	Expired	Paid
PWS24-0003	Window, Door, and Shutter Permit	311 FIRST AVE	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	01/10/202	07/16/202	\$352.65
PWS24-0007	Window, Door, and Shutter Permit	308 SECOND AVE	NOBLE, LINDA S	01/26/202	07/24/202	\$118.00
PP23-0021	Plumbing	222 THIRD AVE	Procell, Andrew	01/02/202	06/30/202	\$355.13
PWS24-0008	Window, Door, and Shutter Permit	412 THIRD AVE	AFFORDABLE GLASS PROTECTION	01/22/202	07/20/202	\$253.23
PE24-0001	Electrical	222 5TH AVE.	HANEY, BRIAN	01/08/202	07/24/202	\$79.00
PP24-0001	Plumbing	409 5TH AVE	RICHARD L CAMPBELL	01/18/202	07/17/202	\$79.00
PE24-0006	Electrical	409 5TH AVE	Goins, Peter	01/19/202	07/21/202	\$79.00
PSH24-0001	Shed	222 SIXTH AVE	TUFF SHED, INC	01/23/202	07/27/202	\$273.92
PE24-0010	Electrical	222 SIXTH AVE	Kenwin A Logan	01/31/202	07/29/202	\$79.00
PE24-0005	Electrical	320 6TH AVE	HECK, JAMES & TIA	01/24/202	07/22/202	\$154.25
PTR24-0001	Tree	416 SIXTH AVENUE	WALTERS, STEVEN O	01/17/202		\$0.00
PRB23-0049	Res Building	604 ALDEN PL	DRAKE, DAVID G	01/22/202	07/20/202	\$3151.88
PWS24-0001	Window, Door, and Shutter Permit	412 ANCHOR KY	SUNSET VIEW CONSTRUCTION	01/04/202	07/23/202	\$467.59
PE24-0008	Electrical	511 ANDREWS DR	HECK, JAMES & TIA	01/25/202	07/23/202	\$79.00
PTR24-0002	Tree	521 ANDREWS DR	HUG, HARPER	01/22/202	07/20/202	\$0.00
PD24-0001	Demolition	521 ANDREWS DR	HUG, HARPER	01/26/202	07/24/202	\$154.25
PCD24-0001	Paver, Concrete, & Deck	206 ASH AVE	BLADIN, THOMAS DOUGLAS	01/16/202	07/14/202	\$79.00
PWS24-0010	Window, Door, and Shutter Permit	210 ASH AVE	Precision Door Service of Brevard	01/25/202	07/23/202	\$161.38
PRR24-0001	Reroof	1500 ATLANTIC ST 2-C	WAYPOINT ROOFING & CONSTRUCTION	01/22/202	07/27/202	\$651.49
PRR24-0007	Reroof	1700 ATLANTIC ST	BARFIELD CONTRACTING & ASSOCIATES	01/23/202	07/21/202	\$899.44
PM24-0005	Mechanical	2203 ATLANTIC ST 724	Jerry Lawson	01/29/202	07/27/202	\$341.33
PWS24-0014	Window, Door, and Shutter Permit	703 ATLANTIC ST	Pwd-Orlando Llc	01/31/202	07/29/202	\$420.25
PE24-0004	Electrical	406 AVENUE A	Robert Miller	01/17/202	07/30/202	\$112.75
PRB23-0050	Res Building	408 BANYAN WAY	Brevard Framing and Drywall	01/02/202	07/15/202	\$378.00
PRR24-0006	Reroof	1908 CEDAR LANE	Melbourne Roofing and Repairs	01/23/202	07/21/202	\$403.23
PM24-0003	Mechanical	210 CHERRY DR	Gerry C Doyle	01/22/202	07/29/202	\$246.00
PF24-0001	Fence	215 CHERRY DR	All Florida Fence	01/25/202	07/24/202	\$79.00
PRR24-0005	Reroof	402 CORAL AVE	Florida Top Shield Roofing Inc	01/19/202	07/17/202	\$398.93
PRB24-0001	Res Building	213 DOGWOOD AVE	PEDERSON, RALPH	01/29/202	07/27/202	\$348.50
PE24-0007	Electrical	209 FIR AVE	Hughes, Chris	01/19/202	07/21/202	\$79.00
PE24-0002	Electrical	206 FIR AVE	HEIL, CHRIS	01/04/202	07/02/202	\$79.00
PPR24-0001	Pool Resurface	505 HARLAND AVE	Brevard Pools Inc	01/03/202	07/01/202	\$265.99
PG24-0001	Generator	400 HIBISCUS TRL	SAMS LP GAS COMPANY INC	01/26/202	07/24/202	\$79.00

Permit List

Permit	Type	Address	Applicant	Issued	Expired	Paid
PRR24-0004	Reroof	1902 NEPTUNE DR	Florida Native Roofing Inc	01/17/202	07/29/202	\$418.97
PWS24-0009	Window, Door, and Shutter Permit	1902 NEPTUNE DR	All Pro Garage Doors Inc	01/24/202	07/22/202	\$212.02
PRR24-0003	Reroof	301 OAK ST	HENNES ROOFING COMPANY LLC	01/16/202	07/28/202	\$541.20
PPL24-0001	Pool	313 OAK ST	Excel Construction Corp	01/12/202	07/10/202	\$1230.00
PWS23-0113	Window, Door, and Shutter Permit	1805 OAK ST	ROCK HARBOR CHURCH/GRACE LUTHERAN PRESCHOOL	01/12/202	07/17/202	\$79.00
PPE24-0001	Pool Enclosure	2007 OAK ST	Housman's Aluminum & Screening Inc	01/30/202	07/28/202	\$538.79
PE24-0003	Electrical	416 OAK STREET	SCOTT SALLADE	01/22/202	07/21/202	\$0.00
PM24-0004	Mechanical	315 OCEAN AVE	Matine, Bret	01/25/202	07/23/202	\$199.93
PCB24-0001	Com Building	190 OCEAN AVE PARK	MELBOURNE BEACH, TOWN OF	01/23/202		\$0.00
PWS24-0006	Window, Door, and Shutter Permit	306 S PALM AVE	EASY UP SHUTTERS & SHADES LLC	01/24/202	07/22/202	\$79.00
PP24-0004	Plumbing	1804 PINE ST	Graham, Alec	01/31/202	07/29/202	\$124.00
PCD23-0034	Paver, Concrete, & Deck	1111 RIVER RD	ELITE PAVERS & PRICE RITE PAINTING INC	01/16/202	07/28/202	\$315.40
PWS24-0011	Window, Door, and Shutter Permit	449 RIVER VW	HOWARD GARAGE DOORS	01/29/202	07/27/202	\$123.70
PM24-0002	Mechanical	501 RIVERSIDE DR	Ralph W Durham	01/10/202	07/08/202	\$404.59
PWS24-0002	Window, Door, and Shutter Permit	801 RIVERSIDE DR	FREEDOM GARAGE DOORS LLC	01/09/202	07/22/202	\$125.50
PWS24-0005	Window, Door, and Shutter Permit	402 SURF RD	HAMMOCK, JASON	01/19/202	07/23/202	\$814.74

Total Permits: 49
Total Paid: \$15905.03

Inspection Totals

BTR FIRE	7
Column & Tie Beam	1
Dry-In	3
Drywall	2
Electrical	5
Final	6
Final Building	5
Final Fence	4
Final Mechanical	3
Final Paver, Concrete, & Deck	1
Final Plumbing	1
Final Pool	1
Final Pool Enclosure	1
Final window, Door, & Shutter	8
Fire Inspection	1
Framing	5
Framing	1
In Progress	2
In Progress	2
In Progress - Window	1

Inspection Totals

In-Progress	11
Insulation	1
Plumbing Underground	2
Pre Pour	1
Pre Power	2
Rough Electrical	1
Rough Plumbing	2
Screw	1
Sewer Connect	1
Sheathing	1
Window & Door In-Progress	1

Total # of Inspections: 84



Town of Melbourne Beach

Code Enforcement

February 16, 2024

Code Enforcement activities for the month of January, 2024.

Ongoing Code Violations: 7

Code Violations filed: 2

Code Violations closed: 4

Violations brought before Special Magistrate: 2

Vacation Rental Renewals: 4

Respectfully,

Jim Turner

Code Enforcement

Town of Melbourne Beach

Office: (321) 724-5860 ext. 207

Cell: (321) 615-6443

code@MelbourneBeachFL.org

Enforcement List

02/08/2024

1/1

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE23-0179	204 CHERRY DR	Short Term Rental Violations	Open - First Letter Sent	Staff	07/31/23	
ECE23-0188	1350 ATLANTIC ST	Short Term Rental Violations	Open - First Letter Sent	Staff	09/12/23	
ECE23-0192	323 AVENUE A	Attractive Nuisance	Open - Second Letter Certified Mail	Staff	09/21/23	
ECE23-0193	409 THIRD AVE	Attractive Nuisance	Open - First Letter Sent	Staff	09/21/23	
ECE23-0202	1501 ATLANTIC ST A	Trees and Landscaping	Open - First Letter Sent		11/18/23	
ECE23-0206	200 OCEAN AVE STE 203	Business Tax	Open - First Letter Sent	Staff	12/18/23	
ECE24-0208	314 AVENUE B	Building Permit Violation	Open - Citation Issued	Staff	01/11/24	

Total # of Enforcements: 7

Short term rental violations = Operating a Vacation Rental without registering with the town

Note: If there were to be a noise disturbance or parking violation at a vacation rental that would be addressed by the Police Department and remedied in a timely manner versus initiating a code violation through code enforcement.

Enforcement List

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE22-0150	213 ASH AVE	Trailers, Boats, and Recreational Vehicles	Closed - Complied	Staff	12/06/22	01/03/24
ECE23-0203	400 BANYAN WAY	Irrigation Violation	Closed - Complied	Public - Phone	11/18/23	01/11/24
ECE23-0205	415 SIXTH AVE	Lawns - Overgrowth	Closed - Complied	Public - Email	12/04/23	01/10/24
ECE24-0207	206 CHERRY DR	Abandoned/Junk vehicles	Closed - Complied	Public - walk In	01/11/24	01/30/24

Total # of Enforcements: 4

Enforcement List

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE23-0201	302 ORANGE ST	Building Permit violation	OPEN - Magistrate ruled - fines accruing	Staff	11/14/23	01/10/24

Total # of Enforcements: 1

Certificate List

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Expires	Amount Due
CVR24-0002	311 FIRST AVE	Owner Occupied Exempt	JEPPSON, RICHARD C	Issued	01/10/2024	12/31/2024	\$0.00
CVR24-0001	308 SECOND AVE	Owner Occupied Exempt	NOBLE, LINDA S	Issued	01/10/2024	12/31/2024	\$0.00
CVR24-0003	322 3RD AVE	Owner Occupied Exempt	BARTON, JOYCE	Issued	01/10/2024	12/31/2024	\$0.00
CVR23-0003	304 FOURTH AVE	Vacation Rental	SAMMELMAN, MARK T	Issued	01/11/2024	01/11/2025	\$0.00

Total # of Certificates: 4

Total Amount Due: \$0.00



Town of Melbourne Beach



Fire Department

MONTHLY REPORT – JANUARY 2024

Incident Response

For the month of January 2024, the Melbourne Beach Volunteer Fire Department responded to 13 calls for service. The average number of responding volunteer personnel per paged out call for the month was 11.

Breakdown:

- 7 Fire/Rescue 911 Calls (Paged out)
- 1 EMS Assist (First Responder EMS)
- 2 Public Assist (Smoke detector battery change & fire drill standby)
- 3 New system fire alarm inspections / tests

Department Membership

- 1 Fire Chief (*Full-Time*)
- 1 Maintenance Technician (*Part-Time*)
- 16 Certified Volunteer Firefighters
- 7 Support Services Volunteers
- 5 Probationary Members
- 3 Administrative Volunteers
- 1 Volunteer Fire Chaplain

Notable Incidents

- 1/1/2024 – Residential Structure Fire in South Melbourne Beach. Melbourne Beach Engine 58 & Fire-1 provided mutual aid to Brevard County Fire Rescue.
- 1/8/2024 – Smoke in residential, 3 story structure in Indialantic. Melbourne Beach Engine 58 provided automatic aid to Indialantic Fire Rescue.
- 1/15/2024 – Outside equipment (air conditioner) fire in Melbourne Beach. Engine 58, Engine 258, Fire-1, and IFD Truck 57 responded. Fire out upon arrival. Secured power to shorted/overheated device and turned the property back over to homeowner. No structural damage, no injuries.

Notable Events

The Melbourne Beach Volunteer Fire Department is proud to announce that it has maintained its ISO Class 3 rating, placing it among the top 17% of all fire departments in the nation. The Insurance Services Office (ISO) evaluates fire departments approximately every five years to determine the fire risk to communities by evaluating their telecommunications capabilities, water distribution system, fire department operational response to structure fires, and community risk reduction and fire prevention programs. Insurance companies then use these ratings to help establish premiums for fire insurance — generally offering lower premiums in communities with better protection. Providing fire protection to the Town of Melbourne Beach is a collaborative effort, and huge thanks go out to our partners that assist us in accomplishing this mission; The Indialantic Police Department Communications Center (our fire dispatchers), Indialantic Fire Department (our automatic aid partner), and the City of Melbourne Public Works and Utilities Department (water system and fire hydrants). In addition, thanks to our supportive Town Manager and Town Commissioners, as well as all of our volunteer firefighters and support services members. For more information about ISO ratings and the Public Protection Classification program, visit <https://www.isomitigation.com/>.

Volunteer Lieutenant Steve Stewart and Volunteer Driver/Engineer Neil Tewksbury both announced their retirement from active duty with the Melbourne Beach Volunteer Fire Department. Lt. Stewart joined the Department in 1990, and is a State Certified Volunteer Firefighter, as well as a founding member of the Department's Water Rescue Team. After 33 years of service, Lt. Stewart is stepping back from his operational role, but plans to remain with the Department in a supportive capacity. D/E Tewksbury joined the Department in 2002, and has served the Department in many capacities over his 22 year of service. He plans to spend his free time traveling and visiting with family. Thank you Lt. Stewart & D/E Tewksbury for a lifetime of service dedicated to the Town of Melbourne Beach!

Chief Brown and Ret. Chief Micka began working on a FEMA Assistance to Firefighters Grant for updated portable radios and structural firefighting gear. The Department has submitted multiple grant requests for mobile and portable radios over the past few years, but unfortunately due to the highly competitive nature of the grant process, the requests were not a high enough priority to be awarded. The Fire Department continues to investigate other potential creative funding sources for equipment and projects.

The Fire Department had its annual ladder testing completed by a 3rd party vendor. All ladders passed the rigorous inspection and testing process.

The Fire Department provided a fire station tour for an out of town child's birthday event. Approx. 15-20 children were in attendance and got to learn about the fire trucks and equipment, as well as squirt the fire hose.

The Fire Department's Marine Rescue Team conducted a weekend ocean water rescue training drill in January.

The fire pit and beach wheelchair were rented out multiple times in the month of January.

Chief Brown, Fire Tech. Dean, Volunteer Training Captain Hardman, and Volunteer Firefighter Bowman attended the Florida Fire Conference in Orlando to learn about new equipment, technology, and tactics related to the fire service.

Chief Brown attended the SCFCA quarterly meeting and Volunteer Capt. Boos attended the countywide Marine Task Force Meeting.

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 2/16/2024 1:14:19 PM



Incident Address and Type for Date Range (Landscape)

Incident Status(s): All Incident Statuses | Start Date: 01/01/2024 | End Date: 01/31/2024

INCIDENT #	DATE	LOCATION TYPE	ADDRESS	INCIDENT TYPE	ALARM	CLEARED SCENE
2024-01	01/01/2024		316 Del Rio LN , Brevard (County), FL, 32951	Building fire	01/01/2024 04:14	01/01/2024 06:42
2024-2	01/05/2024		2105 Atlantic ST , Melbourne Beach, FL, 32951	Special type of incident, other	01/05/2024 11:58	01/05/2024 12:23
2024-03	01/08/2024		1325 S Miramar AVE , Indialantic, FL, 32903	Excessive heat, scorch burns with no ignition	01/08/2024 12:06	01/08/2024 12:27
2024-4	01/12/2024		2203 Atlantic ST , Melbourne Beach, FL, 32951	Special type of incident, other	01/12/2024 13:20	01/12/2024 13:36
2024-5	01/14/2024		201 4th AVE , Melbourne Beach, FL, 32951	Arcing, shorted electrical equipment	01/14/2024 18:18	01/14/2024 18:28
2024-6	01/15/2024		312 6th AVE , Melbourne Beach, FL, 32951	Outside equipment fire	01/15/2024 17:41	01/15/2024 18:08
2024-7	01/16/2024		300 S Palm AVE , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	01/16/2024 10:52	01/16/2024 11:02
2024-8	01/16/2024		1905 Atlantic ST , Melbourne Beach, FL, 32951	Alarm system sounded due to malfunction	01/16/2024 16:15	01/16/2024 16:40
2024-9	01/16/2024	Intersection	Oak ST / Cross Street: 6th Ave, Melbourne Beach, FL, 32951	Arcing, shorted electrical equipment	01/16/2024 18:09	01/16/2024 19:04
2024-10	01/17/2024		227 5th AVE , Melbourne Beach, FL, 32951	Public service	01/17/2024 11:45	01/17/2024 12:07
2024-11	01/18/2024		2207 Atlantic ST , Melbourne Beach, FL, 32951	Special type of incident, other	01/18/2024 13:10	01/18/2024 13:20
2024-12	01/23/2024		2100 Oak ST , Melbourne Beach, FL, 32951	Public service assistance, other	01/23/2024 13:33	01/23/2024 14:21
2024-13	01/24/2024		504 Ocean AVE , Melbourne Beach, FL, 32951	EMS call, excluding vehicle accident with injury	01/24/2024 11:13	01/24/2024 11:29

Location Type is only filled in when it is marked Intersection, Directions, or National Grid on Basic Info 3.



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Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 2/16/2024 1:15:19 PM



Personnel Count per Incident for Date Range

Start Date: 01/01/2024 | End Date: 01/31/2024

INCIDENT				NUMBER OF PEOPLE		
NUMBER	DATE	INCIDENT TYPE	FDID	ON APPARATUS	NOT ON APPARATUS	TOTAL
** 2024-01	1/1/2024 04:14:53	111 - Building fire	19112	7	1	8
2024-2	1/5/2024 11:58:31	900 - Special type of incident, other	19112	1	0	1
** 2024-03	1/8/2024 12:06:21	251 - Excessive heat, scorch burns with no ignition	19112	3	8	11
2024-4	1/12/2024 13:20:15	900 - Special type of incident, other	19112	1	0	1
** 2024-5	1/14/2024 18:18:49	445 - Arcing, shorted electrical equipment	19112	5	5	10
** 2024-6	1/15/2024 17:41:57	162 - Outside equipment fire	19112	8	0	8
** 2024-7	1/16/2024 10:52:21	743 - Smoke detector activation, no fire - unintentional	19112	7	3	10
** 2024-8	1/16/2024 16:15:09	735 - Alarm system sounded due to malfunction	19112	7	5	12
** 2024-9	1/16/2024 18:09:14	445 - Arcing, shorted electrical equipment	19112	9	7	16
2024-10	1/17/2024 11:45:00	553 - Public service	19112	3	0	3
2024-11	1/18/2024 13:10:21	900 - Special type of incident, other	19112	1	0	1
2024-12	1/23/2024 13:33:15	550 - Public service assistance, other	19112	1	0	1
2024-13	1/24/2024 11:13:33	321 - EMS call, excluding vehicle accident with injury	19112	2	0	2

TOTAL # OF INCIDENTS: 13

AVERAGES:

4.2

2.2

6.5

Total # of incidents
paged out for
volunteer response: 7

** Without EMS Assist or Service Calls:
(Paged out calls only)

6.6

4.1

10.7

Only REVIEWED incidents included

Note: 900 series "Special Incidents" include fire inspections performed.



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Melbourne Beach Police Department

Monthly Report

January 2024



Operations:

In January 2024, the department responded to 1,433 calls for service and 75 house checks.

Activity:

- 50 Citations / 10 Written Warnings
- 219 Traffic Stops
- 160 Traffic Enforcement
- 3 Traffic Complaint
- 15 Parking Citations

Our radar trailer continues to be placed in various locations throughout the Town.

PD News

- The Police Department has lost and found miscellaneous items that have been brought into the department, for example, keys, sunglasses, and children's toys. These items were found at our beach accesses and Rychman Park. If you believe you may have lost things, come to the Police Department during business hours Monday – Friday, 8 am to 5 pm.
- The Police Department purchased a portable speed radar unit. Once training is completed, you will see this unit placed throughout the Town in various locations.
- Sgt. Sadler attended an 80-hour Traffic Homicide Investigations class this month. With these specialized investigative techniques, the Traffic Homicide Officer will work to recreate and diagram these crashes and use this information to aid in the prosecution of cases such as:
 - Driving Under the Influence (DUI) Manslaughter
 - Vehicular Homicide
 - Vehicular Manslaughter
 - Leaving the Scene of a Crash Involving Death / Serious Bodily Injury
 Congratulations Sgt. Sadler!!

Please see the attachments:

- Speed Trailer report
- Sergeant's monthly reports

Stay Safe, Chief Melanie Griswold



MELBOURNE BEACH POLICE DEPARTMENT
Jason Hinchman
Sergeant

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



Monthly Report January 2024

House Checks: 24

- 01/11: Criminal Citation for speed, Riverside Drive and Flamingo Lane. The female driver was stopped for 69 mph in a posted 25 mph zone. She was issued a criminal citation.
- 01/17: Domestic battery in the 300 block of South Palm Avenue. The female suspect struck the male subject. Parties were separated and a capias was sent to the State Attorney.
- 01/19: Traffic arrest at Flamingo Lane and Riverside Drive. The male subject was stopped for not having a registered vehicle. Further investigation found that the male driver did not have license. He was issued two criminal citations.
- 01/20: Burglary/Battery in the 300 block of Avenue A. The Male victim had several injuries to face but refused medical. The male subject was found and placed under arrest for burglary and battery.
- 01/25: Fraud in the 600 block of Shannon Avenue. The victim reported being scammed out of money. The case is still open for further investigation.
- 01/26: Department of Children and Families case in the 2100 block of Oak Street.
- 01/27: Disturbance in the 200 block of Birch Avenue. Verbal only between neighbors. Both neighbors were trespassed from each other's property.
- 01/28: Assist other agency, the Department of Children and Families, in the 300 block of Orange Street. The case was turned over to BCSO and DCF.



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 January 2024

01/05- Domestic Disturbance in the area of Avenue B and Atlantic Street. Verbal argument between male and female and both parties were separated.

01/05- Domestic Disturbance in the 300 block of Avenue A. The disturbance was verbal between male and female. Female was arrested for grand theft, criminal mischief and was issued a Trespass After Warning Affidavit.

01/07- Traffic crash hit and run in the 300 block of Ocean Avenue. No injuries or major damage. Case closed as information

01/15- Death investigation in the 1600 block of Atlantic Street. Case open pending investigation.

01/16- Traffic crash in the area of Oak Street and Avenue B. No injuries or major damage.

01/21- Stolen vehicle was located and stopped in the area of First Avenue and Riverside Drive in Indialantic. Female driver was arrested for grand theft of a motor vehicle.

01/24- Battery between two males in the 300 block of Ocean Avenue. Victim declined prosecution.

- Total House Checks (Sadler Squad)- 51



**MELBOURNE BEACH POLICE DEPARTMENT
OFC. L. TEJEDA**

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



MEMORANDUM

TO: Chief Griswold

FROM: OFC. Tejeda #329

RE: Patrol Vehicles

DATE: 2/2/2023

VEHICLE REPORT FOR: January 2024

Car 300 Ford Explorer 2022
Starting mileage # 16,641
Ending mileage # 17,799
Total mileage # 1,158
Total maintenance bill for the month \$53.64
Next oil change due at: 21,730

Car 363 Dodge Charger 2016
Starting mileage # 68,254
Ending mileage # 68,297
Total mileage #43
Total maintenance bill for the month \$0.00
Next oil change due at: 71,316

Car 360 Dodge Charger 2019
Starting mileage # 44,578
Ending mileage # 44,630
Total mileage # 52
Total maintenance bill for the month \$0.00
Next oil change due at: 45,299

Car 301 Ford Explorer 2022
Starting mileage # 4,681
Ending mileage # 5,503
Total mileage # 822
Total maintenance bill for the month \$59.27
Oil change
Next oil change due at: 10,000

Car 302 Ford Explorer 2022
Starting mileage # 5,492
Ending mileage # 6,672
Total mileage #1,180
Total maintenance bill for the month \$0.00
Next oil change due at: 10,000

Car 366 Dodge Charger 2019
Starting mileage # 39,503
Ending mileage # 39,974
Total mileage # 471
Total maintenance bill for the month \$0.00
Next oil change due at: 44,693

Car 367 Dodge Charger 2021
Starting mileage # 26,256
Ending mileage # 27,035
Total mileage # 779
Total maintenance bill for the month \$676.81
Oil change, new tires and alignment
Next oil change due at: 32,500

Atv #1 Honda TRX 420 2021
Starting Miles # 464
Ending Miles # 464
Total Miles #0
Total Maintenance bill for the month \$0.00
Next service due at: 586

Atv #2 Honda TRX 420 2021
Starting Miles # 384
Ending Miles # 384
Total Miles #0

Total maintenance bill for the month \$0.00
Next service due at: 592

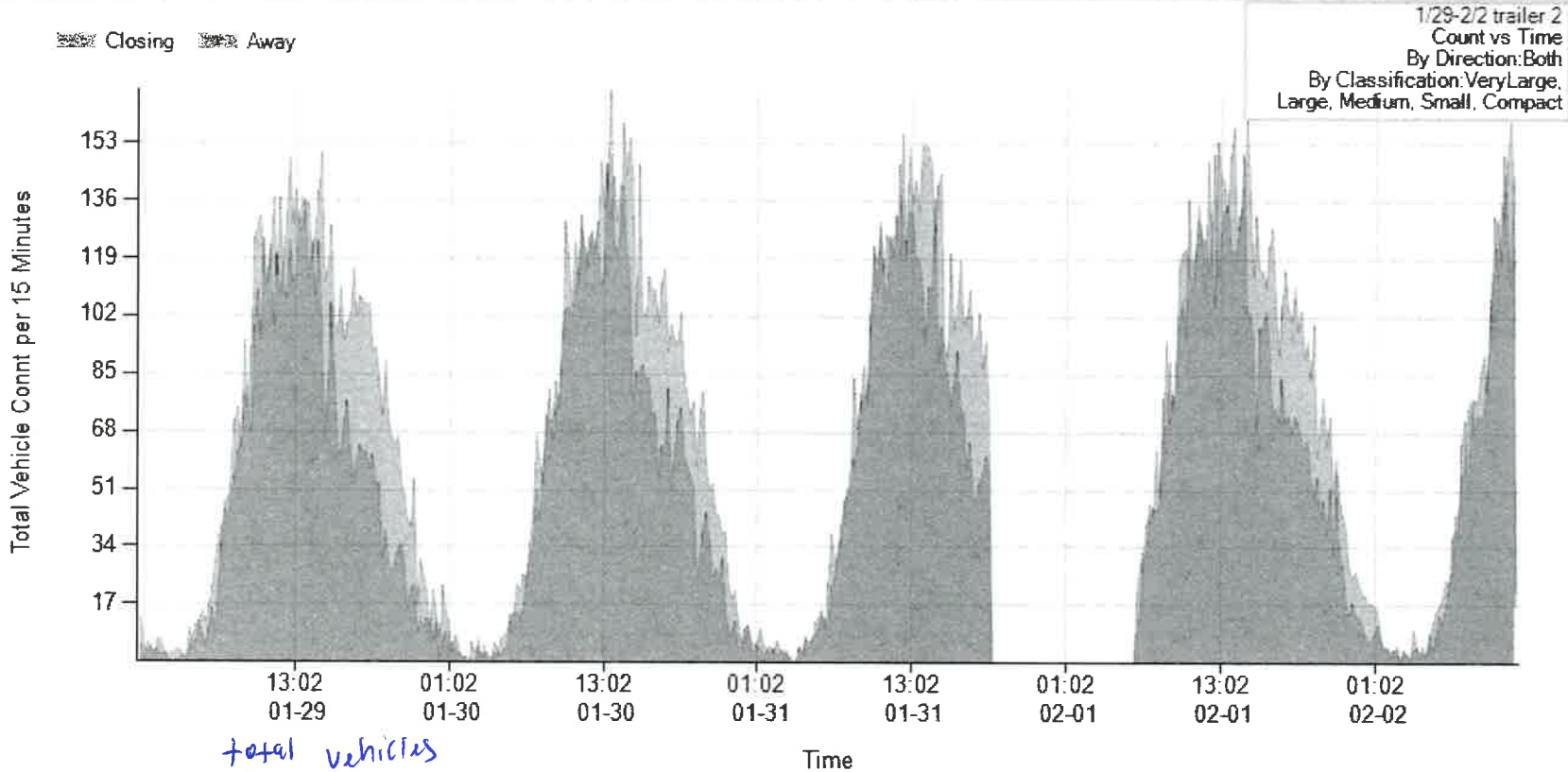
SPEED TRAILER MAINTENANCE

TRAILER 2
\$0.00

Total fleet maintenance cost for January 2024: \$789.72

Total mileage for January 2024: 4,505

Survey Name	1/29-2/2 trailer 2	Location	500 blk colony, Melbourne Be...	Speed Unit	Miles/Hour
Start	2024-01-29 01:02	Traffic Direction	Undefined	Speed Limit	40
Stop	2024-02-02 12:04	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



1/29-2/2
Leaving town

total vehicles
↓

Under Limit Count	45086	92%	Minimum Speed	7	MPH	10 mph Pace	31 - 40	MPH
Over Limit Count	3873	8%	Maximum Speed	120	MPH	Standard Deviation	5	MPH
10 Over Limit Count	506	1%	85Speed Percentile	39	MPH	Average Speed Over Limit	46.6	MPH

Town of Melbourne Beach

Town Clerk Report

Records Management Project/ Scanning Project – Working on scanning project number one, which will include minutes, ordinances, resolutions, agenda packets, and variances.

New Town Website Project – Picked a layout, and color scheme, and submitted photos for Granicus to build the website. The next step will be reviewing data from our current website and what pages/data will be migrated to the new website.

Audio-Visual Equipment Project - The community center's audio-visual equipment project, awarded to BIS Digital, was temporarily put on hold to allow time to investigate a possible grant opportunity to assist in funding the project. Unfortunately, after further research, it was determined that the grant would not support the needs of our project. The project is slated to move forward starting later this month.

It is also worth noting that shortly after the Commission voted to award the contract to BIS Digital, the Town was approached by another local vendor that specializes in church/worship technology including production-style audio and visual equipment, who believed we could accomplish the intent of the project at a lower cost. I took the opportunity to meet with the vendor, Churchfront, who inspected the community center and provided a quote. During the meeting, the vendor brought up the acoustics in the room, and how all of the hard surfaces are contributing to echoing, which can hinder even the best sound systems. His recommendation included sound-dampening measures in addition to replacing our sound system. While the quote he provided was less expensive than the contract awarded to BIS Digital, it was for a different style of audio equipment, which may be better suited for productions such as church services, rather than business conference settings. After speaking with the Town Attorney, he advised that we should not entertain the idea of switching vendors, as a vote had already taken place.

Vendor Meetings – Continue to meet bi-weekly with Granicus about the new town website. Meeting frequently with MCCi to work through each step of the records management project and to work out any glitches in the new records management software.

Town Meetings – Prepared agendas and minutes and attended the meetings for Special Magistrate Hearings, Board of Adjustment, Regular Town Commission, and two Town Commission Workshops. Prepared meetings for the Ryckman House Historical Preservation and Awareness Board, Environmental Advisory Board, Parks Board, and the History Center Board.

Training – Attended the Master Academy for Civic and Public Affairs. Classes included Implementing a Robust and Effective Onboarding Council/Board Program, Election Civility Communications, Election Security, and The Public Official in Court.

Form 1 and Form 6 – Starting in 2024 all Form 1 and Form 6 filers must submit their financial disclosure data through the Commission on Ethics portal. Each filer will receive an email from

the Commission on Ethics roughly in April to set up an account to submit their information. Filers will have the option to send their file to a CPA or Attorney to provide the data on their behalf, but in doing so, the filer will no longer be able to edit the data input by the CPA or Attorney. The deadline to submit the data is July 1.

Form 6 Filers –Senate Bill 774 passed in 2023 and requires, beginning January 1, 2024, all elected members of the governing body of a municipality must file a Form 6 – Full and Public Disclosure of Financial Interests. Form 6 will include the following sections:

- General Information
- Net worth
- Aggregate value of household goods and personal effects
- Details on assets individually valued over \$1,000.00
- Details on liabilities over \$1,000.00
- Details on income over \$1,000.00 (May instead attach a federal tax return with all schedules and attachments)
- Secondary sources of income
- Specified businesses

Town Commission Agenda Item

Section: New Business

Meeting Date: 2/21/2024 Subject: Submitted By: Public Works Director Tom Davis

Background Information: Consideration of curbing repair/replacement Riverside Dr. (Please see attached documents)

Recommendation: .Replace approximately 50% of the curbing

As part of the Riverside repaving project the curbing has been examined and must be addressed before the paving is done. The curbing has been in place for at least two decades and has started to show deterioration. Curbing serves a multiple purpose one being it is the “skeletal” system holding the pavement in place and protecting the edges from damage. The second purpose in our case is that it is a part of our stormwater system in that it carries the stormwater to the inlets and our baffle boxes.

While evaluating the curbing on Riverside from Ocean Avenue to our north Town Limits these factors were points of consideration. Photographs and measurements of the area were taken to assist in conveying the data and to obtain a cost proposal. Two of the three companies providing cost proposals visited the area with Director Davis. The third chose to withdraw any interest in the project.

It should be noted that we are working jointly with the Town of Indialantic as planned on this project. The goal being to get the best prices for the work and continuity of roadway and traffic issues during all the work.

The condition of the curbing is discussed in two formats. One being total failure and the other deteriorating and cracking.

Total failure: this is a condition where the curbing is broken and has sunken into the ground. This is indicative of the curbing having cracked and allow water intrusion. Once that water intrusion has taken place it begins to break down the base material (soil/roadbase) and the concrete curb then sinks. Once this occurs not only does the asphalt begin to fail (breaks into pieces) water then begins to travel underneath the roadway and the asphalt deterioration takes place and results in pot holes etc.. **Please see first group of photographs.**

Deterioration/cracking: This condition is when we see large areas of cracking in the concrete curbing generally brought about by aging and in some cases vehicles having driven over it. Any concerns over this issue is not about cosmetic appearance but that this condition is a precursor to total curb failure. If not

addressed the cracks become larger and permit water intrusion which is step one of total failure. **Please see group two photographs**

It should also be noted that the curbing serves as an important part of the stormwater systems. It collects and carries the stormwater to the inlets. When the curbing is cracked and broken it prevents the proper flow to the inlets. This condition then causes water to collect and stand on the roadway.

If only the areas of curbing that have totally failed are addressed the linear feet would be 500 LF. See proposal.

Repairing the deteriorated/cracking will involve 4236 LF. Point of reference the total linear feet of Riverside from Ocean Avenue 4229 LF. The work of course involves both sides of Riverside thus we are dealing with 8458 LF of curbing. With that being considered approximately 50 % of all the curbing on Riverside would be replaced.

Another area that should be addressed is at the intersection of Harlan and Riverside Dr .there is a "Valley Gutter" that is badly deteriorated. It is 58 LF long and 4 feet wide. (see proposal)

GROUP 1 PHOTOGRAPHS
RIVERSIDE DR. 2024
Page 1 of 3



GROUP 1 PHOTOGRAPHS
RIVERSIDE DR. 2024
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GROUP 1 PHOTOGRAPHS
RIVERSIDE DR. 2024
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GROUP 2 PHOTOGRAPHS
RIVERSIDE DR. 2024
Page 1 of 2



GROUP 2 PHOTOGRAPHS
RIVERSIDE DR. 2024
Page 2 of 2



Riverside Dr Curbing/Replacement Proposal Clarification

When we analyze the two that returned proposals note that the per yard concrete from Palm Bay Concrete is high priced plus they could not include MOT (traffic control). The MOT would have to be at an additional cost. I do have some concerns that they are not a very large company taking on what could be a rather large job. As you know the job will involve us and Indialantic back to back. Because we do not have any need for the root grinding I would demand removal of that cost if we were to employ Palm Bay Concrete.

The proposal from Don Bo includes all aspects except those under the owner supply section with the only applicable one would be sprinkler systems. In our case we should not affect any of the sprinkler systems.



Don Bo, Inc.

concrete

contractor

Proposal

Submitted To: Town of Melbourne Beach

Dated: 02/08/2024

Attn: Tom Davis
Phone: 321-403-6626
Fax:
Email:
pwsuperviger@melbournebeachfl.org

Project / Job Name: Riverside Dr Improvements.

Description of work to be performed: Remove and replace vally curb

- 1 mobilization fee. Price. **\$4,500.00**

(Note) all Miami curbs remove and replace \$50.00 per LF.

Measured 1909 LF on East side of Riverside Dr in 20 Locations.
 Measured 2327 LF on West side of Riverside Dr. in 21 locations.

(Note) any concrete apron or sidewalk replacement will be priced at \$13.85 per sq ft.

(Note) There is 1 section of 4' valley gutter that is 58 LF in length, Unit cost is \$86.00 per LF.

\$ _____

Owner to supply:	Grade +/- 1/10 th	Access for concrete trucks
	Survey Bldg. Corner's with Elevation	Soil Treatment
	All Testing Required	Locate and relocate all sprinkler systems to
	Permitting	accommodate concrete work

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strike, accidents, or delays beyond our control. Owner to carry necessary insurance. Our employees are fully covered by Worker's Compensation insurance.

Authorized Signature: Lewis Marin Date: _____

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified. **Note: This proposal may be withdrawn by Don Bo, Inc. if not accepted within**

Licensed • Insured
 Commercial • Residential

**Don Bo, Inc.**

concrete

contractor

30 days of the bid due date. Payment is due within 5 days of completion. For jobs that are over \$10,000 a 10% deposit will be required.

Authorized Signature: _____ Date: _____

Licensed • Insured
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2835 Kirby Circle NE • Unit #101 • Palm Bay, FL 32905 • (321) 768-2287 • Fax (321) 725-7669

PALM BAY CONCRETE & MATERIALS, INC.

RIVERSIDE DRIVE ESTIMATE

500 linear feet of Miami Curb-Riverside Dr.

- Price good through 2/29/24
- Concrete \$196.78/yard (approx. 25-30 yards)
- Miami Curb - remove, form & pour \$48.46/linear foot (500 linear feet)
- Root Grinding \$1.31/ft (approx. 100 ft)
- Root Grinding Machine rental (2 weeks) \$800
- Price for MOT pending
- Compactable Base \$416.78
- Hauling Base \$275.56/load (approx. 4-5 loads)

All concrete is 3500psi with fiber

Town Commission Meeting

Section: New Business

Meeting Date: February 21st, 2024

From: Fire Chief Gavin Brown

RE: Proposal to establish a volunteer Beach Ambassador program within the Town of Melbourne Beach.

Background Information:

In March of 2023, as a result of multiple ocean related water rescue and drowning incidents occurring between the Town of Indialantic and unincorporated South Melbourne Beach, the Town of Melbourne Beach began the process of investigating possible ways to decrease ocean related incidents on our beaches.

Research was conducted into the feasibility of adding additional full-time lifeguard coverage within the Town of Melbourne Beach, specifically at Ocean Park, but ultimately it was determined to be cost prohibitive.

After the presentation by Dr. Hunsucker at the January 2024 RTCM, and the subsequent discussion that ensued, the Fire Department investigated the possibility of establishing a lifesaving club or junior lifeguard program similar to what Volusia County has created, but after careful consideration, it was determined to be logistically improbable that the Fire Department, as a volunteer agency, would be able to support multiple week-long programs in addition to the demanding training schedule and emergency response commitment they already provide to the community.

Another idea presented was the possibility of establishing our own local volunteer lifeguard agency and lifeguard training program. While this sounds good on the surface, we believe it would be an extremely challenging to achieve based on the current trends we are seeing both locally and nationally with volunteer firefighting and volunteerism in general. The training required for ocean lifeguarding, and the job itself, is significantly more hazardous and physically demanding than lifeguarding in a pool environment. At 96 hours, such training is a challenge both to get qualified instructors to volunteer to teach, as well as to find local community residents who not only want to commit that kind of free time to learning, but also who are physically fit enough to be able to complete the required skills.

One option originally proposed, but not fully investigated at the time, was the idea of a community beach ranger program. After further consideration, we believe the program may be a good fit for our community as it would be a low-cost option to improve beach safety through preventative actions and community education

At its core, the program would encourage community members, especially those who are retired, have extra time, or a passion for community involvement to learn more about our local area, beach safety, first aid, and other topics that they could then share with beachgoers in the Town of Melbourne Beach.

The program would focus on its volunteer members being friendly “Ambassadors” of the Town rather than “Beach Rangers”, which can have a negative connotation associated with it as being an enforcement centered position. Our Beach Ambassador’s primary functions would be to welcome and educate residents and visitors to our beaches, and ensure they are knowledgeable about rip currents, local safety, marine life, and answer any questions that they might have about Melbourne Beach.

Beach Ambassadors would be civilian volunteers, and they would not be trained as, nor considered first responders for emergency situations. They would however be trained on initial steps to take in common emergency situations and how to notify the appropriate personnel to reduce the response time of trained emergency responders. We would ensure that any uniforms and the ATV/UTV would not look like a first responder to avoid community confusion or expectation.

Training would be a key component of providing this public service. All Beach Ambassadors would be required to complete awareness level training in the following areas: Beach safety including rip current awareness, basic non-hazardous water rescue techniques, ATV/UTV operations, area familiarization, local wildlife and marine life including sea turtle protection, local history, first aid including bleeding control, CPR including AED use, radio communications, binocular use, and review of program policies and procedures.

The Town could also create literature for the Beach Ambassadors to hand out with useful topics such as beach safety, rip current awareness, local restaurants list, etc.

To be eligible to participate in the program, volunteer applicants would need to be at least 16 years of age and of good moral character, as determined by a local background check conducted by the Melbourne Beach Police Department. Volunteers would also need to possess a valid driver’s license in order to operate the program’s UTV.

After completing the full training program, volunteers would be certified as Town Beach Ambassadors and would be issued uniforms and equipment. They would be allowed to check out the program’s UTV to patrol the beach based on their availability.

Possible funding sources have already been located to assist with initial program costs including the possibility of the donation of a UTV.

Recommendation:

- 1) Establish program policies and procedures, including a 16 hour training curriculum.
- 2) Gauge the interest in community involvement through free training events & marketing at Founders Day.
- 3) If there is sufficient community participation, accept donations and establish the program with a targeted start date of June 2024.

Attachments:

- Sample Training Curriculum

 <p>BEACH AMBASSADORS</p>	<h2 style="margin: 0;">Town of Melbourne Beach</h2> <h3 style="margin: 0;">Beach Ambassador Program</h3> <h4 style="margin: 0;">Standard Operating Procedures & Guidelines</h4>		
	Subject: Training Requirements		
	Category: Administration	Total Pages: 2	No. 001
	Implemented:	Revised:	Rev #: 1
		Reviewed:	

All personnel shall successfully complete the following 16 hours of training before being issued a program certificate of completion, uniforms, facility keys, or patrolling on the Town UTV:

- **Beach Safety Awareness (2 hours)**
 - Presented by the Melbourne Beach Vol. Fire Dept.
 - Includes Subtopics: Ocean conditions, rip currents, long shore currents, shore break, beach hazards, hidden hazards, dangerous marine life, hazardous weather, warning flags, identifying swimmers in distress, and basic civilian level water rescue techniques.
- **Basic ATV/UTV operator training (2 hours)**
 - Presented by the Melbourne Beach Vol. Fire Dept.
- **Area Familiarization, History, and general wildlife (1 hour)**
 - Presented by *Town History Board?*
- **Sea Turtle Awareness (1 hour)**
 - Presented by *Sea Turtle Preservation Society?*
- **Right Whale Awareness (1 hour)**
 - Presented by *BWRI's Right Whale Sighting Network?*
- **Local codes and rules (1 hour)**
 - Presented by *Melbourne Beach Police Department or Code Enforcement?*
- **First Aid, Stop the Bleed, CPR & AED Provider (6 hours)**
 - Presented by Melbourne Beach Vol. Fire Department
- **Miscellaneous Skills - Radio Communications, Binocular Use, Policy & Procedure review (1 hour)**
 - Presented by Melbourne Beach Vol. Fire Dept. / Town Staff
- **Lifeguard ride-a-long (1 hour)**
 - *Presented by BCOR Lifeguards?*

Town Commission Meeting

Section: Parks Board

Meeting Date: February 21, 2024

From: Dawn Barlow, Chairperson

RE: Proposal to Add Spanish Together Class

Background Information:

Offer Spanish classes to parents and children (max age of 6 years)

Friday (originally the board was trying to offer this class as alternating with My Musical Tree Class that is held every other Thursday, but Espanglish had a conflict with Thursday scheduling)

Cost is \$60/hr

Access to the Community Center

Marketing: flyer, social media and Espanglish can market on their website/social media

General interest: parents from Gemini have voiced a desire since language classes were once offered. In addition, exposing children to a 2nd language at a young age is beneficial, much like the Town supporting My Musical Tree Class.

Attendance tracking: resident v non resident

Recommendation: The Parks Board recommends a 6-week test for \$360 total. Classes would be free to the public per the rules in Ryckman park. The \$360 would be supported by the Parks Board budget.

Attachments: Espanglish – overview of classes offered, please refer to the Spanish Together Class section that is highlighted



PROJECT PROPOSAL

Learn Spanish with ESPANGLISH

TO: Town of Melbourne Beach- Parks and Recreation Division

FROM: Janny B. Dutra, founder of ESPANGLISH, (305)707-7107, espanglish.us@gmail.com

DATE: September 12th, 2023

PROJECT DESCRIPTION:

ESPANGLISH teaches English and Spanish in a simple, fun, and memorable way and would like to offer Spanish classes to our Melbourne Beach residents. We hope to bring people of different cultures together by teaching them to communicate in a new language in order to make a more compassionate and collaborative world.

Spanish is the second most spoken language in the world, and it is becoming increasingly important in our globalized society. Learning Spanish can open up new opportunities for our residents, both in terms of employment and travel. It can also help us to better understand our neighbors and the cultures of other countries.

Janny is the founder of ESPANGLISH and would be teaching the classes. She is a licensed K-12 Spanish and ESOL (English for Speakers of Other Languages) teacher in Florida, Virginia, and Colorado and has been teaching kids and adults since 2004. She comes highly [recommended](#) by students, parents, and colleagues.

Languages are learned best through continued exposure and opportunities to practice. Because of this, we recommend having classes *at least* once a week so the material can be practiced with frequency. The proposed cost is \$75 per hour.

Proposed Classes:

- **Spanish Together-** Kids and parents can learn Spanish *basics* like greetings, letters, numbers, colors, family, animals, transportation, and more! A great way for kids and parents to connect and later reinforce what they learned at home! Learning *español* is better together!

Location: Community Center

Schedule: Once a week, mornings or afternoons (1 hour sessions)

- **Practical Spanish-** This class is geared towards adult learners who'd like to learn useful Spanish vocabulary and grammar. We'll explore different themes like travel, food, and shopping to help learners quickly and easily communicate.

Location: Community Center

Schedule: Twice a week, mornings or afternoons (1 hour sessions)

- **Spanish Adventure-** Learners in grades 2 and up will go on an "imaginary adventure" to study the Spanish language and culture. Along the way, they'll learn important Spanish vocabulary to help them on their journey. This class includes topics on travel, greetings, clothing, colors, numbers, places around town, and much more. Kids and adults are welcome!

Location: Community Center

Schedule: Twice a week, afternoons (1 hour sessions)

Thank you for considering this project for Spanish classes in our town. It will surely be a valuable and beneficial addition to our community.

Town Commission Meeting

Section: New Business

Meeting Date: February 21, 2024

From: Amber Brown, Town Clerk

RE: Discussion on Town Commission term lengths related to off-year/odd-year elections

Background Information:

Only local municipal elections are held on off-years/odd-years. The cost for an odd-year election is significantly higher than for even-year elections.

The Town of Melbourne Beach has an election for at least one Commission Seat every year unless there is no opposition.

Below is what the Town of Melbourne Beach has paid for an election for the past seven years.

	<u>Cost of Election</u>	<u>Voter Turnout</u>
2023 Election	\$ 10,051.84	1304
2022 Election	\$ 404.19	1421
2021 Election	\$ 10,977.83*	No Election
2020 Election	\$ 373.14	2132
2019 Election	\$ 5,783.64	676
2018 Election	\$ 177.99	1796
2017 Election	\$ 3,907.85	476

*No election - For budget purposes, the Supervisor of Elections provides an estimate each year.

Town Commission term lengths are three years with staggered end dates resulting in an election every year. Below are the current term end dates.

Mayor Alison Dennington's seat ends in November 2026
 Commissioner Sherri Quarrie's seat ends in November 2024
 Commissioner Corey Runte's seat ends in November 2025
 Commissioner Marivi Walker's seat ends in November 2024
 Commissioner Adam Meyer's seat ends in November 2025

Recommendation:

Discuss changing Town Commission term lengths to four years by referendum.

- Option 1 is for the changes to take effect immediately after the referendum vote. Similar to what Cocoa Beach did.
- Option 2 is to transition to four-year terms after each term ends on an even year. Similar to what Indian Harbour Beach did.

Attachments:

Town Charter – Town Commission
 Data from other municipalities within Brevard County
 Breakdown of option 1 and option 2
 Ordinance from Cocoa Beach with referendum language
 Ordinance from Indian Harbour Beach with referendum language

ARTICLE II. TOWN COMMISSION.

Sec. 2.01. GENERAL POWERS AND DUTIES.

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by law or by this Charter. The Commission shall provide for the exercise by the Town of its municipal powers and for the performance of all duties and obligations imposed on the Town by law.

(Adopted by electorate 11-6-73)

Sec. 2.02. COMPOSITION AND QUALIFICATIONS.

The Commission shall consist of five (5) members elected by the qualified voters of the Town as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least six (6) months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large.

The office of Commission member shall be forfeited whenever a member is finally convicted of a felony or a crime involving moral turpitude. When a member files for election to or accepts any other elective public office, he shall submit his resignation. This resignation shall be effective when his former office is filled or when he accepts an elective office, whichever comes first.

Any qualified elector of the Town who meets the foregoing qualifications may qualify for a Commission seat by presenting to the Town Clerk a petition signed by twenty-five (25) qualified Town electors, and by paying a filing fee, during the qualifying period as established from time to time in the town code of ordinances, and said elector shall submit concurrently therewith a sworn statement of his or her name, address, occupation, and willingness to serve if elected. Until otherwise provided by Town ordinance, the filing fee shall be ten dollars (\$10.00).

The Commission shall be the judge of the qualifications of the candidates for election to the Commission, and for such purpose shall have the powers to subpoena witnesses and require the production of evidence, but the decision of the Commission in any such case shall be subject to review by the courts.

Each person seeking to qualify for election to office as a write-in candidate shall certify under oath to the Town Clerk during the qualifying period as established from time to time in the town code of ordinances the following information:

Name, address, that he possessed all of the qualifications required by law for the office, the name of the office he seeks, and that he will accept the office.

Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted.

At the time of certifying under oath the above information, a write-in candidate shall be considered a candidate except that he shall not be entitled to have his name printed on the ballot.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Ordinance 2001-01, passed 9-19-01)

Sec. 2.03. TERM OF OFFICE.

(a) Elected Commissioners shall take office at the beginning of the next official meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and qualified, unless:

(1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter.

(2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or

(3) The individual is elected to fill a term otherwise consistent with this Charter.

(b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub-section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least one (1) year (three hundred sixty-five (365) days = one (1) year). Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Amendment adopted by electorate 11-7-89; Amendment adopted by electorate 11-2-04)

Sec. 2.04. VACANCIES ON THE COMMISSION.

A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.

In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.

If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-4-86; Amendment adopted by electorate 11-7-89)

Sec. 2.05. PROHIBITION AGAINST EMPLOYMENT.

No Commission member shall hold any other Town office or Town employment during the term for which he was elected to the Commission.

(Adopted by electorate 11-6-73)

Sec. 2.06. COMPENSATION.

The salary of Commission members, together with the manner of payment, shall be established by ordinance and shall be no greater than one (1) percent of the annual Town budget. No increase in salary shall become effective until the next regular Town election. The Commission may provide that members shall receive their actual and necessary expenses incurred in the performance of their duties.

(Adopted by electorate 11-6-73)

Sec. 2.07. MAYOR.

The Mayor shall qualify and run for office for a term of three (3) years as hereinafter provided. He shall be a voting member of the Commission, the presiding officer of the Commission, and the titular head of the Town government for ceremonial purposes, and for the purpose of civil process. He shall be responsible for civil defense and military law. He shall execute all instruments to which the Town is a party as the Commission shall direct, unless otherwise provided by this Charter or by law.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 2.08. VICE-MAYOR.

The Vice-Mayor shall be elected annually by the Commissioners from the body of Commissioners-at-Large. Should the office of Mayor fall vacant, in accordance with Section 2.04, the Vice-Mayor would become Mayor until the next general municipal election, at which time a successor would be elected Mayor and the Vice-Mayor temporarily filling the position of Mayor will return without election to a Town Commission seat for the remainder of his or her term. In the absence or disability of the Mayor, the Vice-Mayor shall act temporarily in his stead with full powers to discharge the duties of the office so assumed.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-7-89; Amendment adopted by electorate 11-2-04)

Sec. 2.09. COMMISSIONER-AT-LARGE.

A total of four (4) Commissioners-at-Large shall qualify and run for the four (4) seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-7-89)

Sec. 2.10. ASSIGNMENT OF DEPARTMENT RESPONSIBILITIES. (Repealed 11-2-04)

Sec. 2.11. COMMISSION MEETING.

The Commission shall meet regularly at the Town Hall or other municipal building at such times and places as it may prescribe, but in no event less than once each month. All Town business meetings of the Commission shall be open to the public where required.

Special meetings limited to the subjects specified in the call may be convened by the Mayor, any one (1) Commission member, or the Town Manager, upon at least twenty-four (24) hours' notice to each member and to the public. The Commission shall provide, by ordinance, for the holding of an emergency meeting and shall prescribe the means of serving or furnishing notice of emergency meetings. Action taken at emergency meetings must be ratified at the next regularly scheduled meeting of the Town Commission.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86; Amendment adopted by electorate 11-2-04)

Sec. 2.12. LEGISLATIVE PROCEDURE.

Three (3) members of the Commission shall constitute a quorum, but a smaller number may adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-2-04)

Sec. 2.13. ORDINANCES AND RESOLUTIONS.

Every proposed ordinance or resolution shall be introduced in the final written or printed form required for adoption. The enacting clause of ordinances shall recite: "Be it enacted by the Town of Melbourne Beach, Florida." No ordinance shall be passed until it has been read at two (2) Commission meetings, not less than one (1) week apart, except that a second reading, other than by title, may be dispensed with upon the unanimous affirmative vote of the Commission members present.

A proposed ordinance may be amended at either meeting. However, no ordinance shall be amended at the second or later reading so as to change its intent without a further complete reading of the affected portion at least one (1) week later. The Commission shall provide for public hearings or for the publication of notice concerning the subject matter of any proposed ordinance or amendment. Ordinances and resolutions shall become effective upon passage unless otherwise specified herein. Every ordinance and resolution shall, upon final passage, be authenticated by the presiding officer and the Town Clerk, and shall be recorded and published as the Commission shall prescribe.

(Adopted by electorate 11-6-73)

Sec. 2.14. ORDINANCES BY REFERENDUM VOTE.

The Commission may submit any proposed ordinance to a referendum vote of the qualified voters without filing a petition request.

(Adopted by electorate 11-6-73)

Sec. 2.15 EMERGENCY ORDINANCES.

Notwithstanding the provisions of the foregoing sections, the Commission may enact emergency ordinances to meet serious public emergencies affecting the welfare of the Town or its inhabitants. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance. It may be adopted with or without amendment at the meeting at which it is introduced. Emergency ordinances shall expire thirty (30) days after enactment unless sooner specified therein.

(Adopted by electorate 11-6-73)

Sec. 2.16. PUBLIC NOTICE.

Public notices shall be posted and/or published as prescribed by the appropriate Town ordinance.

(Adopted by electorate 11-6-73)

Sec. 2.17. COMMISSION ATTENDANCE AT MEETINGS. (Repealed 11-2-04)

Satellite Beach

- 4-year terms
- Elections only on even years

West Melbourne

- 4-year terms
- Elections only on even years

Rockledge

- 3-year terms
- Elections every year

Grant-Valkaria

- 4-year terms
- Elections only on even years

Indian Harbour Beach

- Transitioning from 3-year to 4-year terms
- When fully transitioned elections will only be on even years

Cocoa Beach

- 4-year terms
- Elections only on even years

Palm Shores

- 2-year terms for Council Members, 4-year term for Mayor
- Elections every year

Titusville

- 4-year terms
- Elections only on even years

Cocoa

- 4-year terms
- Elections are typically on even years

Malabar

- 2-year terms for Council Members, 4-year term for Mayor
- Elections every year

Palm Bay

- 4-year terms
- Elections only on even years
- Used to have 3-year terms, last odd-year election was in 2009 and cost \$64,000, recently held a special election for \$170,000.

Melbourne Village

- 2-year terms
- Elections every year

Cape Canaveral

- 3-year terms
- Elections every year

Melbourne

- 4-year terms
- Elections only on even years

Option 1

Term lengths take effect immediately so there would not be an odd-year election moving forward. The terms that currently end on an odd year would be extended by 1 year.

Mayor Alison Dennington's term ends in November 2026

- No change to the current term
- Starting November 2026 the term would be for 4-years

Commissioner Sherri Quarrie's term ends in November 2024

- No change to the current term
- Starting November 2024 the term would be for 4-years

Commissioner Corey Runte's term ends in November 2025

- Current term would be extended by 1 year so the term would expire November 2026
- All terms thereafter would be for 4-years

Commissioner Marivi Walker's term ends in November 2024

- No change to the current term
- Starting November 2024 the term would be for 4-years

Commissioner Adam Meyer's term ends in November 2025

- Current term would be extended by 1 year so the term would expire November 2026
- All terms thereafter would be for 4-years

Option 2

Term lengths transition when the term ends on an even year. Odd-year election in 2025 for a 3-year term then starting in 2028 those terms would be for 4 years.

Mayor Alison Dennington's term ends in November 2026

- No change to the current term
- Starting November 2026 the term would be for 4-years

Commissioner Sherri Quarrie's term ends in November 2024

- No change to the current term
- Starting November 2024 the term would be for 4-years

Commissioner Corey Runte's term ends in November 2025

- No change to the current term
- Odd year election in November 2025 for a 3-year term
- Starting November 2028 the term would be for 4-years

Commissioner Marivi Walker's term ends in November 2024

- No change to the current term
- Starting November 2026 the term would be for 4-years

Commissioner Adam Meyer's term ends in November 2025

- No change to the current term
- Odd year election in November 2025 for a 3-year term
- Starting November 2028 the term would be for 4-years

ORDINANCE NO. 1517

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CITY CHARTER;

- SECTION 2.01 CITY COMMISSION AND TERMS OF OFFICE;
- SECTION 2.02 ELECTIONS, HOW DECIDED;
- SECTION 2.06 FILLING OF VACANCIES, AND
- SECTION 7.05 ACTION ON PETITIONS;

PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENTS; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR FILING THE REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City Commission discussed a proposal to eliminate odd year elections; and

WHEREAS, the City Commission of Cocoa Beach finds that in previous elections of City Commissioners voter turnout has been greater during Florida gubernatorial and United States presidential election years (“even numbered years”) than other non-presidential election years (“odd numbered years”); and

WHEREAS, the City Commission of the City of Cocoa Beach also finds that it would be in the best interest of the citizens of Cocoa Beach to hold elections of City Commissioners during years, which historically have a higher voter turnout; and

WHEREAS, eliminating odd-year elections would allow for a reduction in expenses and avoid low voter turnout; and

WHEREAS, as a consequence of the aforesaid, the City Commission desires to amend the Charter and place such amendments on a referendum to be submitted to the electors of the City of Cocoa Beach for their consideration at the general election be held on November 2, 2010.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF COCOA BEACH, FLORIDA, as follows:

Section 1. RECITALS ADOPTED. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. CHARTER AMENDMENTS. For purposed of interpreting the revisions, text that is underlined is an addition to the existing text of the City Charter and text that is ~~stricken~~ through is a deletion from the existing text of the City Charter.

The Charter of the City of Cocoa Beach, Florida is amended to read as follows:

ORDINANCE NO. 1517

PAGE 2

1
2 **1.** The City Commission of the City of Cocoa Beach amends Section 2.01 City
3 Commission and Terms of Office to read as follows;

4 **Cocoa Beach Charter Section. 2.01. City commission.**

5 *Composition.* The city commission herein created shall consist of five (5)
6 commissioners elected at large by the citizens. One of the commissioners shall stand
7 for election as and shall be elected by the citizens as the mayor. Each commissioner,
8 including the mayor, shall have the qualifications stated in Section 2.02, and each
9 commissioner shall serve for a term of four ~~three (3)~~ (4) years or until a successor has
10 been selected and qualified.

11
12 **2.** The City Commission of the City of Cocoa Beach amends Section 2.03 Elections,
13 How Decided to read as follows;

14 **Cocoa Beach Charter Section. 2.03. Elections, How Decided.**

15 Election. An election among candidates for one (1) or more of the five (5) city
16 commission seats shall hereafter be held in even numbered years on the first Tuesday
17 after the first Monday in November. To adjust the Commissioner's and the Mayor's
18 terms from 3 year to 4 year staggered terms, the terms shall be configured as follows:
19 Mayor Seat 1 shall expire in 2012 - instead of 2011,

20 Seat 2 expires in 2012- no change,

21 Seat 3 expires in 2012- no change,

22 Seat 4 expires in 2010 and Seat 5 expires in 2010. Seats 1 , 2 and 3 shall be filled in
23 2012 for four (4) year terms. Seats 4 and 5 shall be filled in 2010 for four (4) year terms.

24 These elections shall be at large, and the designation of seats shall not be used
25 or construed to divide the city into commission districts for purposes of qualification,
26 election, or representation.

27 Candidates in city general elections shall be elected by a plurality vote of those
28 voting. If two (2) or more candidates qualify for one (1) seat, the candidate receiving the
29 plurality of the vote cast for that seat shall be declared elected.

30 If only one (1) candidate qualifies for a seat within the time limit for qualification,
31 or if a vacancy in candidacy caused by death, withdrawal or removal from the ballot of
32 qualified candidates, following the end of the qualifying period, which leaves fewer than
33 two candidates for the office, that candidate shall be declared elected to that seat. If no
34 candidate qualifies for a seat, or if all candidates for a seat either withdraw, are removed
35 from the ballot or die, after the close of the qualifying period, but before the election, the
36 term of the commissioner holding that seat shall be extended until the next regular
37 election.

38
39 **3.** The City Commission of the City of Cocoa Beach amends Section 2.06 Filling of
40 Vacancies to read as follows;

41 **Cocoa Beach Charter Section. 2.06. Filling of Vacancies.**

42 By a majority vote of its remaining members, the city commission may appoint a
43 qualified person to fill any vacancy on the city commission, and such person shall serve
44 until a successor is elected as provided for in this section. Such vacancy shall be
45 subsequently filled by the voters for the remainder of the unexpired term, if any. ~~at the~~
46 ~~next regularly scheduled election.~~ The qualifying and election in November of all years

ORDINANCE NO. 1517

PAGE 3

1 shall be held to fill a vacancy in the office of commissioner or mayor that occurs prior to
 2 August 1 of that year. that occurs at least 90 days after the occurrence of the vacancy.
 3 If at any time the membership of the city commission is reduced to less than three (3),
 4 the governor shall fill such vacancies and the members of the city commission
 5 appointed by the governor shall serve until such vacancies are filled by election as
 6 provided in this section. Should there be a vacancy in the office of the mayor, the vice-
 7 mayor shall serve until such time as the vacancy is filled by election as provided in this
 8 section. The commission shall then appoint an acting vice-mayor.
 9

10 **4.** The City Commission of the City of Cocoa Beach amends Section 7.05 Action on
 11 Petitions to read as follows;

12 **Cocoa Beach Charter Section. 7.05. Action on petitions.**

13 When a referendum petition has been finally determined sufficient, the commission shall
 14 promptly consider the proposed ordinance, amendment, or repeal request. If the
 15 commission fails to adopt a proposed ordinance or amendment without any change in
 16 substance or if it fails to repeal the ordinance requested within sixty (60) days after the
 17 date the petition was finally determined sufficient, the commission shall submit the
 18 proposed ordinance, amendment or repeal request to the voters of the city by holding
 19 an election in November of all years, if a petition is submitted and verified by August 1
 20 of that year. at a special or regular election which shall be held not more than one
 21 hundred twenty (120) days following the date upon which the commission ordered the
 22 matter submitted to the voters.
 23

24 **Section 3. REFERENDUM.** The proposed Charter amendments contained in
 25 this ordinance shall be sent to referendum and shall become effective, if a majority of
 26 City voters vote in the municipal election on November 2, 2010 and approve the
 27 amendments. Amendments approved by City voters as provided by law shall be
 28 effective immediately and become part of the City Charter. If approved, the City Clerk is
 29 directed to promptly file the amended Charter with the State of Florida, Secretary of
 30 State, as required by Section 166.031, Florida Statutes (2009). The remaining sections
 31 of this Ordinance shall take effect immediately upon the adoption of this Ordinance.
 32

33 **Section 4. BALLOT QUESTION:** The form of the ballot title shall be in a clear,
 34 concise statement describing the substance of the proposed charter amendment
 35 without argument or prejudice. Below each ballot title shall appear the following
 36 questions:
 37
 38

Referendum 1. AMENDING THE CHARTER TO HOLD EVEN-YEAR ELECTIONS OF COMMISSIONERS EXCEPT FOR PETITIONS AND COMMISSION VACANCIES

“Shall Cocoa Beach amend its charter to hold even-year elections for Mayor and Commissioners while allowing voting on Commission vacancies or petitions in odd-numbered, ~~to~~ years; increasing the Commissioners’ and Mayor’s terms from 3 years to 4 years, staggered as follows; Mayor Seat 1 expires in 2012 - instead of 2011, Seat 2 expires in 2012- no change, Seat 3 expires in 2012- no change, Seat 4 expires in 2010 and Seat 5 expires in 2010?”

YES (for approval) ____ NO (for rejection) ____

~~**Referendum 2.** AMENDING THE CHARTER AS TO FILLING COMMISSIONER AND COMMISSIONER MAYOR VACANCIES~~

~~“Shall Cocoa Beach amend its charter to allow qualifying and an election in November of all years to fill a vacancy in the office of commissioner or mayor that occurs prior to August 1 of an odd or even numbered year?”~~

~~YES (for approval) ____ NO (for rejection) ____~~

~~**Referendum 3.** AMENDING THE CITY OF COCOA BEACH CHARTER WITH REGARD TO ACTION ON PETITIONS~~

~~“Shall Cocoa Beach amend its charter to allow an election in November of all years, if a petition is submitted and verified by August 1 of that year?”~~

~~YES (for approval) ____ NO (for rejection) ____~~

Section 5. NOTICE. The City Clerk is requested to publish the notice of this referendum in a newspaper of local circulation within the municipality.

Section 6. GOVERNANCE OF REFERENDUM PROCEDURE. The referendum described herein shall be held in accordance with this Ordinance, the Cocoa Beach City Code, and the laws of the State of Florida.

1 **Section 7. RATIFICATION OF REFERENDUM RESULTS.** Following the
2 referendums described herein, the City Commission shall adopt a resolution declaring
3 and ratifying the results of the referendum.

4 **Section 8. REPEAL OF INCONSISTENT ORDINANCES.** Any Ordinance in
5 conflict with this Ordinance is hereby repealed.

6
7 **Section 9. CONFLICT.** In the event that any provision in this article is found to
8 be contrary to any other existing City Charter, Code or Ordinances covering the same
9 subject matter, the more restrictive will apply.

10
11 **Section 10. INCLUSION IN THE Code.** It is the intention of the City
12 Commission, and it is hereby ordained that the amendments presented in the Charter
13 Amendment of this Ordinance shall become and be made a part of the City's Charter
14 and that the sections of this Ordinance may be renumbered or re-lettered to accomplish
15 such intentions.

16
17 **Section 11. SEVERABILITY.** Should any section or provisions of this Ordinance
18 or any portion hereof or any paragraph sentence or word be declared by a court of
19 competent jurisdiction to be invalid, unenforceable or unconstitutional for any reason,
20 such decision shall not affect the validity of the remainder of this Ordinance, and this
21 Ordinance shall be read/applied as if the invalid, unenforceable or unconstitutional part
22 did not exist, and the remainder shall remain in full force and effect.

23
24 **Section 11. EFFECTIVE DATE.** This Ordinance shall be become in full force
25 and effect upon adoption by the City Commission and approval by the voters of Cocoa
26 Beach.

27
28 **Section 12: COORDINATION WITH SUPERVISOR OF ELECTIONS.** The City
29 Clerk is hereby authorized and directed to instruct and coordinate with the Supervisor of
30 Elections of Brevard County, Florida to include the ballot questions set forth in Section 4
31 on the ballot of the General Election to be held in the City of Cocoa Beach and Brevard
32 County, Florida on November 2, 2010.

33
34 Upon Motion by Commissioner _____ and Seconded by
35 Commissioner _____ this Ordinance was duly adopted at a
36 Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on
37 the _____ day of _____, 2010.

38 Ayes: _____ Nays: _____ Absent or Abstaining: _____

39
40 _____
41 Leon "Skip" Beeler,
42 Mayor-Commissioner

43 ATTEST:
44 _____
45 Loredana Kalaghchy, MMC
City Clerk

First Reading: _____ Date Posted: _____ Date Published: _____

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA CALLING AND SCHEDULING AN ELECTION UPON AMENDMENT TO THE CHARTER OF THE CITY; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING FOR PUBLIC NOTICE OF SUCH ELECTION; PROVIDING FOR THE AVAILABILITY OF COPIES OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes Chapter 166.031 provides that the governing body of a municipality may submit to the electors of that municipality proposed amendments to its Charter at a referendum election; and

WHEREAS, the City Council of the City of Indian Harbour Beach has recommended that an amendment be made to the Charter of the City of Indian Harbour Beach which amendment appears as Exhibit "A" to this Ordinance; and

WHEREAS, the City Council desires to submit the said amendment to the Charter for ratification by the electors of the City of Indian Harbour Beach as a separate ballot question.

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

Section 1. A referendum election is hereby called and scheduled to be held concurrent with the general election on November 8, 2022, to determine whether the amendment to the Charter of the City of Indian Harbour Beach appearing in Exhibit "A" of this Ordinance shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the City shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all general elections. The places for voting in such referendum election shall be the usual places for voting in the City in the general election to be held on November 8, 2022.

The polls shall be open at such voting places on the day of such referendum election during the hours specified by the general laws of the State of Florida. All duly qualified electors residing within the City of Indian Harbour Beach shall be entitled to participate in and vote at such referendum election.

Section 2. The ballot to be used at such referendum election shall contain a statement of the proposed subject matter of the amendment to the Charter and shall provide facilities for qualified electors to vote for or against the adoption of such Charter amendment in a separate ballot question. Said ballot shall be in substantially the following form:

BALLOT

CITY OF INDIAN HARBOUR BEACH, FLORIDA

QUESTION: AMENDMENT TO THE CHARTER REQUIRING COUNCIL MEMBERS TO SERVE FOUR YEAR TERMS AND STAGGERING TERMS.

Shall the Charter be amended to change Council members' terms to four years commencing in 2026 to align with State and Federal elections? Seats 1 and 2 shall be elected to three year terms in 2023, Seat 3 shall be elected to a two year term in 2024, Seats 4 and 5 elected to three year terms in 2025, Seats 1, 2, and 3 being elected to four year terms commencing in 2026?

_____ YES

_____ NO

Instruction to voters: If you are in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Section 3. The City Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described question on the ballot for the general election to be held on November 8, 2022.

Section 4. Notice of the said referendum election in substantially the form showing in Exhibit "B" to this Ordinance shall be published two times in a newspaper of general circulation according to the laws of the State of Florida. The first publication shall be during the fifth week prior to the week in which the referendum election is to be held and the second publication shall be during the third week prior to the week in which the referendum election is to be held. A minimum of five copies of the proposed amendment to the Charter shall be kept on file in the office of the City Clerk for public inspection upon demand during normal business hours.

Section 5. Any amendment to the City Charter described herein which is approved by the electors of the City, shall take effect upon certification of the general election of the City scheduled on November 8, 2022.

Section 6. This Ordinance shall take effect immediately upon its adoption.

Ordinance No. 2022-04 – Amend Council terms of office
Page 3

PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach,
Brevard County, Florida this 12th day of April, 2022

X

Scott Nickle
Mayor

ATTEST:

X

Sue Frank, MMC
City Clerk

1st reading: March 8, 2022

2nd reading: April 12, 2022

EXHIBIT A

CITY OF INDIAN HARBOUR BEACH LANGUAGE OF A PROPOSED CHARTER CHANGE

(In all cases, words crossed out with --- marks are to be deleted and words underlined are to be added)

REFERENDUM A

1. Section 3 of Charter Article IV is proposed to be amended as follows:

Section 3. Terms of office.

Council members shall take office at the first City Council Meeting following the election certification by the Brevard County Supervisor of Elections, as hereafter provided. ~~They shall hold office for a term of three (3) years, or until their successors are elected and qualified.~~

Council seats numbered 1 and 2 shall be filled in a general election to be held in November 2023 for a term of three (3) years. Council seat number 3 shall be filled in a general election to be held in November 2024 and shall remain in office for a term of two (2) years. Council seats numbered 4 and 5 shall be filled in a general election to be held in November 2025 and shall remain in office for a term of three (3) years. Beginning with the election to be held in November 2026 and each even numbered year thereafter, Council members shall be elected to office for a term of four (4) years, or until their successors are elected and qualified.

~~For purposes of transition from the unnumbered city council positions which existed prior to March, 1996 to the numbered city council seats 1 through 5, the numbered seats shall be determined by reference to the individual city council members holding office as of December 1, 1995. The numbered seats shall be identified as follows:~~

Seat No.	Council Member in office as of December 1, 1995

Ordinance No. 2022-04 – Amend Council terms of office

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1	Edward J. Kapushy
2	James H. Nolan, Sr.
3	Stephen D. Hand
4	Steven D. Austin
5	Jeffery A. Beeman

City Council Seat Transition Schedule
To Elect During a State, Federal, and County Election Cycle

<u>Seat #</u>	<u>Expiration of Current Term</u>	<u>Transition Term of Office</u>	<u>Next Election</u>	<u>Term of Office</u>	<u>Final Term of Office All Members</u>
<u>1</u>	<u>2023</u>	<u>3 Years</u>	<u>2026</u>	<u>4 Years</u>	<u>4 Years</u>
<u>2</u>	<u>2023</u>	<u>3 Years</u>	<u>2026</u>	<u>4 Years</u>	<u>4 Years</u>
<u>3</u>	<u>2024</u>	<u>2 Years</u>	<u>2026</u>	<u>4 Years</u>	<u>4 Years</u>
<u>4</u>	<u>2025</u>	<u>3 Years</u>	<u>2028</u>	<u>4 Years</u>	<u>4 Years</u>
<u>5</u>	<u>2025</u>	<u>3 Years</u>	<u>2028</u>	<u>4 Years</u>	<u>4 Years</u>

~~Seats 1 and 2 shall be filled in the general election to be held in November, 1996; Seat 3 shall be filled in the general election to be held in November, 1997; and Seats 4 and 5 shall be filled in the general election to be held in November, 1998. Successive elections for each seat on the city council shall be held every third year after the respective dates set forth in the preceding~~

Ordinance No. 2022-04 – Amend Council terms of office

Page 6

~~sentence.~~ Nothing in this section shall be construed to affect the term of office of any city council member holding office on the effective date of this section or to affect the right of the city council to fill any vacancy which may occur prior to the initial election dates for each city council seat set forth in this section.

EXHIBIT B

NOTICE OF REFERENDUM ELECTION CITY OF INDIAN HARBOUR BEACH, FLORIDA

Public notice is hereby given that on November 8, 2022, the issue of whether the City of Indian Harbour Beach shall adopt an amendment to its City Charter will be submitted to the qualified electors of the City of Indian Harbour Beach and will appear on the same election ballot as a referendum on that date as one separate ballot question.

The City Council of the City of Indian Harbour Beach has adopted an ordinance calling the said election and has stated the following reasons for the adoption of the proposed amendments to the Charter:

AS TO THE QUESTION:

Is it desirable for the City Charter to be amended to provide that elections be held in even-numbered years only, **to align with State and Federal elections** to eliminate the costs to the city associated with off-year elections, and that council members serve four (4) year terms?

The places of voting shall be the usual places of voting in the City of Indian Harbour Beach during the general election scheduled on November 8, 2020 and the polls shall be open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the City of Indian Harbour Beach shall be entitled to participate and vote in said referendum election.

The ballot containing the question to be so submitted to the electors shall be in substantially the following form:

BALLOT

CITY OF INDIAN HARBOUR BEACH, FLORIDA

QUESTION: AMENDMENT TO THE CHARTER REQUIRING COUNCIL MEMBERS TO SERVE FOUR YEAR TERMS AND STAGGERING TERMS.

Shall the Charter be amended to change Council members' terms to four years commencing 2026 **to align with State and Federal elections?**—~~To accomplish this~~ Seats 1 and 2 shall be elected to three year terms in 2023, Seat 3 elected to a two year term in 2024, Seats 4 and 5 elected to three year terms in 2025, Seats 1, 2 and 3 being elected to four year terms in

Ordinance No. 2022-04 – Amend Council terms of office

Page 8

2026?

_____ YES

_____ NO

Instruction to voters: If you are in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

Town Commission Meeting

Section: New Business

Meeting Date: February 21, 2024

From: Amber Brown, Town Clerk

RE: Consideration of Resolution 2024-01-Providing for access to public records by remote electronic means and approving the Town's record (master) copy documents on electronic media

Background Information:

The Town is in the process of digitizing records with permanent retention such as minutes, variances, ordinances, and resolutions.

This resolution provides for and approves, to the extent feasible, access to public records by remote electronic means via the Town's Laserfiche imaging system, as an additional method of access. It also approves the keeping and maintaining of the Town's record (master) copy documents on electronic media, namely the Town's Laserfiche imaging system.

Recommendation:

Approve Resolution 2024-01 – Providing for access to public records by remote electronic means and approving the Town's record (master) copy documents on electronic media.

Attachments:

Resolution 2024-01

RESOLUTION NO. 2024-01

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCESS TO PUBLIC RECORDS BY REMOTE ELECTRONIC MEANS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 119, FLORIDA STATUTES; FURTHER APPROVING THE KEEPING AND MAINTAINING OF THE TOWN'S RECORD (MASTER) COPY DOCUMENTS ON ELECTRONIC MEDIA, NAMELY THE TOWN'S LASERFICHE IMAGING SYSTEM, IN ACCORDANCE WITH THE REQUIREMENTS OF F.A.C RULE 1B-26.003; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 119.01(2)(e), Florida Statutes, provides that providing access to public records by remote electronic means is an additional method of access that agencies, including municipalities, should strive to provide, to the extent feasible; and

WHEREAS, the Town Commission desires to provide, to the extent feasible, access to public records by remote electronic means via the Town of Melbourne Beach's Laserfiche imaging system; and

WHEREAS, Florida Administrative Code Rule 1B-26.003 ("the Rule") provides regulations pertaining to electronic recordkeeping which are applicable to the Town of Melbourne Beach; and

WHEREAS, the Rule further provides that the records custodians for agencies, including municipalities, may designate specific records as the official record and said records being named the "record (master) copy"; and

WHEREAS, the Rule further provides that the record (master) copy may be maintained and kept on electronic media so long as the enumerated requirements in the Rule are met; and

WHEREAS, the Town Commission desires to approve the keeping and maintaining of the Town's record (master) copy documents on electronic media, namely the Town's Laserfiche imaging system; and

WHEREAS, The Town has met all the requirements of the Rule for maintaining and keeping record (master) copy documents on electronic media.

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

Section 1. The above recitals are true and correct and are adopted and incorporated herein.

Section 2. The Town of Melbourne Beach hereby provides for and approves, to the extent feasible, access to public records by remote electronic means via the Town's Laserfiche imaging system, as an additional method of access.

Section 3. The Town Commission of Melbourne Beach hereby approves the keeping and maintaining of the Town's record (master) copy documents on electronic media, namely the Town's Laserfiche imaging system. In accordance with the requirements of F.A.C Rule 1B-26.003, all records imaged into the Laserfiche Imaging System are hereby classified as the official record (master) copy and duplicates of such records may be disposed of by the records custodian in accordance with state law.

Section 4. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this 21st day of February, 2024.

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

By: _____
Alison Dennington, Mayor

ATTEST:

Amber Brown
Town Clerk

(TOWN SEAL)

Town Commission Meeting

Section: New Business

Meeting Date: February 21, 2024

From: Marivi Walker, Commissioner

RE: Changing the date for RTCM in March, April, and May

Background Information:

I will be out of town from March 18-28, April 12-24, and May 13-17 and am requesting to change the dates of the RTCM.

Recommendation:

Recommend RTCM for March be held March 13

Recommend RTCM for April be held on April 10

Recommend RTCM for May be held on May 8 or 22

Attachments:

Town Commission Meeting

Section: New Business
Meeting Date: February 21, 2024
From: Building Official, Robert Bitgood
Re: Update Utility Shed Ordinance

Background Information:

Since I began as the Building Official, I have received numerous requests from residents to have a shed larger than 120 square feet. Our smaller homes that have carports or one (1)-car garages have very little storage for bikes, surfboards, lawn movers etc. Allowing these smaller homes the ability to have larger storage, may prevent the tear down older homes due a lack of storage space keeping the small town feel of Melbourne Beach.

In addition, homes on corner lots should be allowed to have sheds behind the front building line just as the Town has allowed for boats, RV's and utility trailers. Shed will have the same screening requirements as boats, RV's and utility trailers.

The Planning and Zoning Board reviewed the Ordinance change in February. The Board made a few minor adjustments but voted 5-0 to reject the increase in utility shed size and allowing the location on side lots.

Recommendation:

Approve the recommendations presented by the Building Official.

Attachments:

Building Officials recommendations for changes to 7A-57 (2) (d) Accessory Structures

Planning and Zonings recommendations for changes to 7A-57(2) (d) Accessory Structures

Diagrams

§ 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) **All utility sheds require a building permit.** Utility sheds may not be larger than ~~420~~ **160** square feet in floor area and ~~40½~~ **11.6 feet total, above grade, in height inclusive of the base.** ~~Utility shed foundations should be no higher than 8 inches above ground level.~~ **Utility sheds shall be substantially screened by a vegetative barrier or fence.** ~~screened from the front and side streets. Screening shall be accomplished through landscaping, fencing or a combination of the two.~~ **Utility sheds must be behind the rear of the front building 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~~ **address.** ~~Sheds may be placed on the side or rear property line.~~ **The roofline must be has to be within the lot line 5' off the property line.** **There shall not be any water hook to the utility shed.**

§ 7A-57. ACCESSORY STRUCTURES.

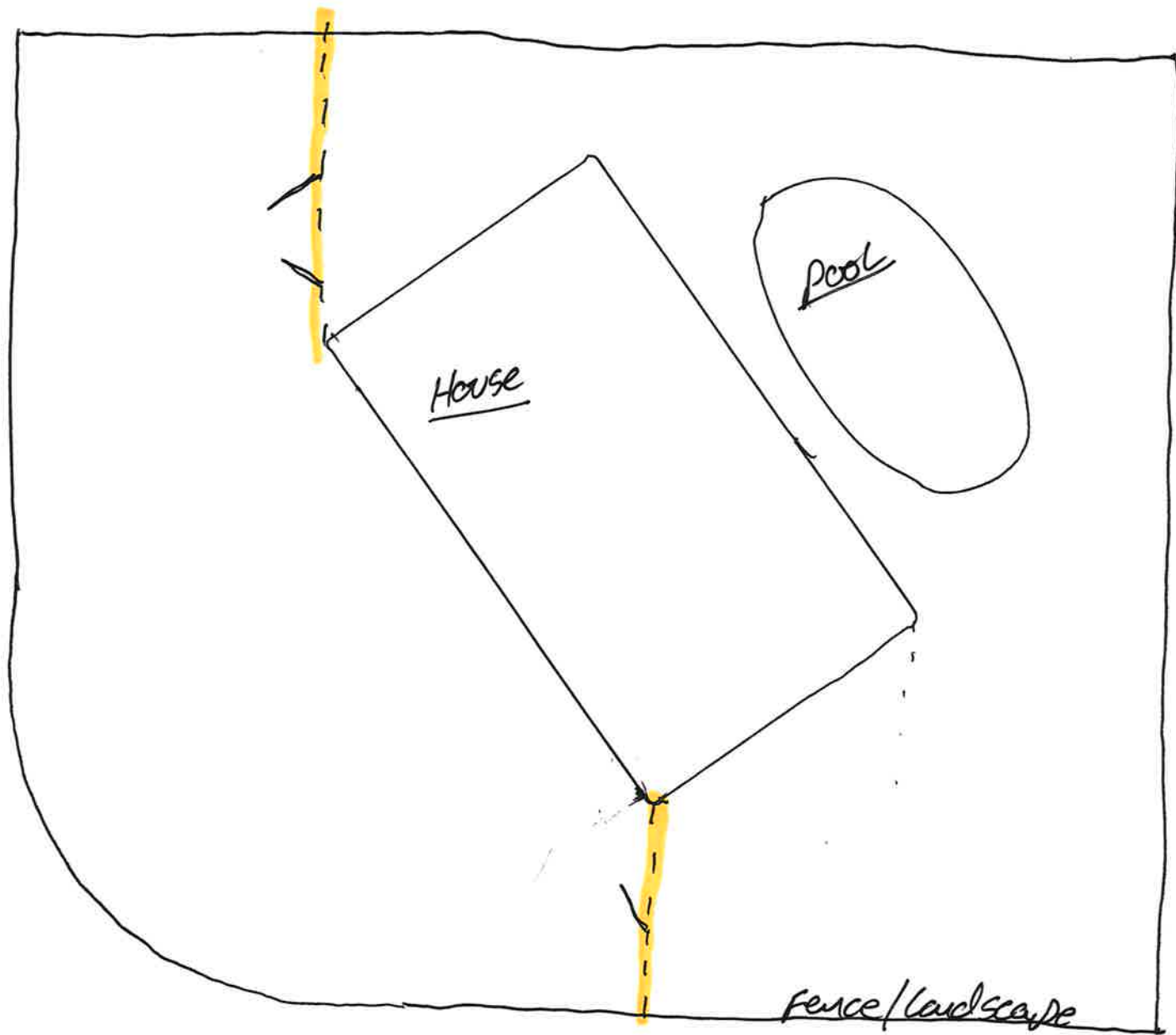
(a) (1) No accessory structure shall be erected in any front yard. Unless specifically defined in this chapter, no accessory structure shall be erected in any side yard. Except as otherwise provided by this chapter, no accessory structure shall exceed the height of the main structure. Unless specifically 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.

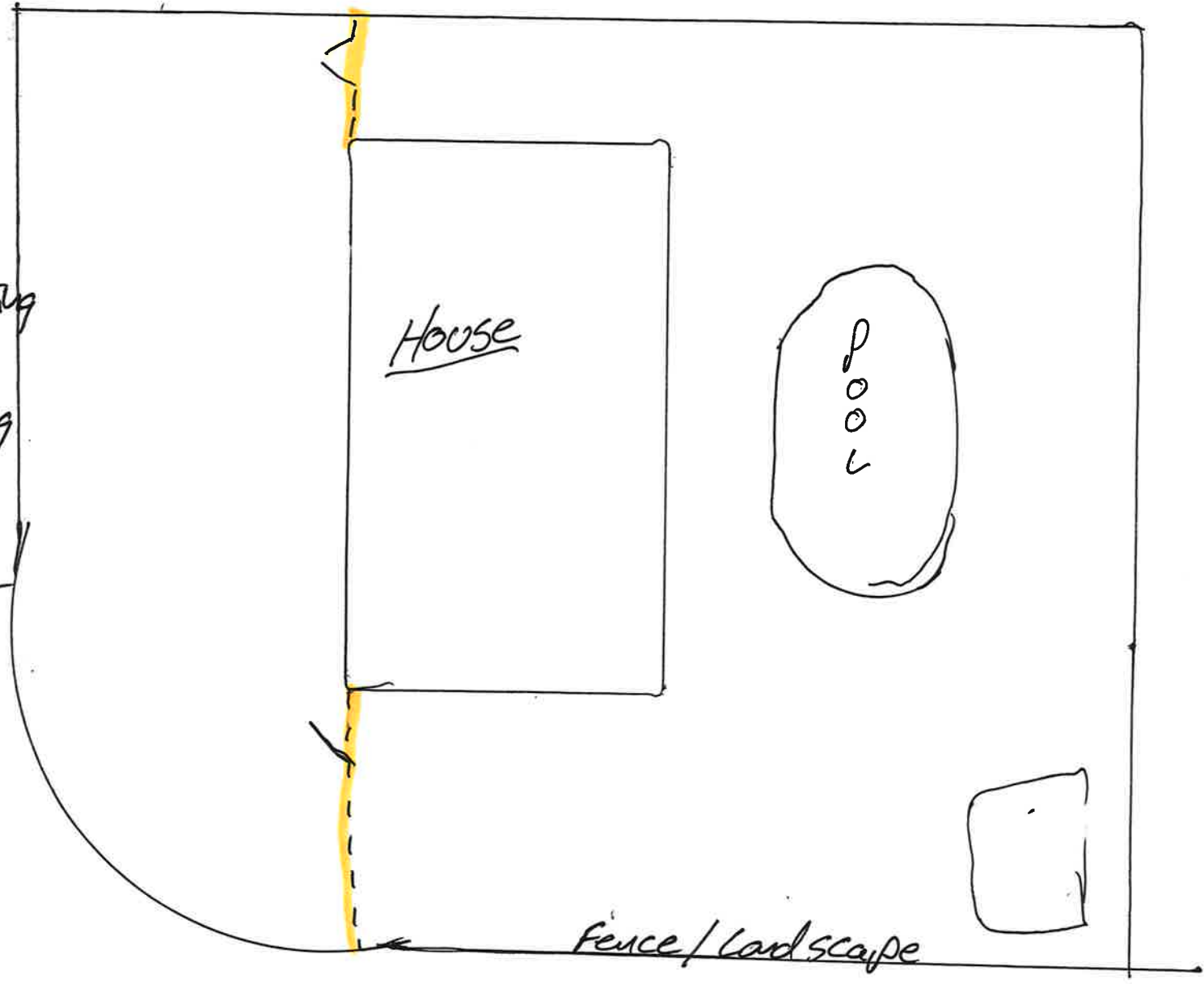
(d) **All utility sheds require a building permit.** Utility sheds may not be larger than 120 square feet in floor area and ~~40.6~~ **11.6** feet in height. Utility shed foundations should be no higher than 8 inches above ground level. **Utility sheds shall be substantially screened by a vegetative barrier or fence** ~~screened~~ from the front and side streets. ~~Screening shall be accomplished through landscaping, fencing or a combination of the two.~~ **Utility 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 address. Utility sheds may be placed on the side or rear property line. The roof line has to be within the lot line of the property line. No water hook to the utility shed is permitted.**



- corner lot Example

Set Backs

- 5' from Primary Structure
- 75' from Property Lines
- corner lots abutting 2 streets, must be behind front building line facing primary street. And be screened by a fence or landscape.



- Corner Lot Example for shed placement -

Town Commission Meeting

Section: New Business
Meeting Date: February 21, 2024
From: Town Manager, Elizabeth Mascaro
Re: RFP Waste Pro Contract

Background Information:

The Town's contract with Waste Pro is renewing on April 30, 2024. Service is twice weekly for garbage, once weekly for recycling and once weekly for yard waste. Due to increases cost of operations, materials, recycling process, employee retention and fuel prices among other issue, Waste Pro has increased our rates.

Our current residential collection rate is \$22.37

Waste Pro is recommending a residential rate of \$37.75 a 68.75% increase or alternatively

\$28.90 per home to be adjusted annually for years two and three with additional adjustments of \$5.64 + Consumer Price Index (CPI) (currently 5.41%) or \$36.40. Years 4-7 of the extention period will adjust according to CPI.

Indialantic uses the service of Waste Management. Waste Management offers the same number days of services as Waste Pro.

Their prior contract rate was \$24.86, which expired on 9/30/2023. The current contract for residential properties is \$27.30 a 9.81% increase.

Recommendation:

Consider biding the contract renewal under an RFP

Attachments:

Waste Pro Contract Renewal

Waste Pro Adjustment Letter 9/1/2023

Waste Management Renewal pricing 10/1/2023 and prior pricing from 2021.



Town of Melbourne Beach Solid Waste & Recycling Contract Renewal

Overview

Initial three-year contract began 5/1/2010, with option to extend contract with additional seven-year terms. Currently in second term, which expires 4/30/2024.

Current level of service (residential) includes twice weekly garbage collection, once weekly recycling, and once weekly yard waste collection. Claw truck service, as needed.

Commercial collection includes customer specific frontend loader and rolloff service.

Current Market Conditions

Four main commodities that this industry relies upon have skyrocketed post-pandemic:

Steel, Fuels/Oils/Lubricants, Labor, Recycling Processing Fees.

- Steel: 59% increase of hot-rolled band steel, 2020 – 2023. Used to repair truck bodies & floors, and commercial containers.
- Fuels: #2 diesel has increased to \$4.41/gallon. January 2020 ppg was \$1.92, Central Florida.
- Labor: nationwide shortage, especially with CDL drivers and skilled mechanics. Waste Pro forced to increase wages in Central Florida by approximately 50%.
- Recycling processing fees (Cocoa MRF/plant): pre-pandemic rates were \$26 per ton. Current processing rate is now \$100 per ton.
- Other factors affecting solid waste industry: escalating commercial insurance rates, utilities, operations & office supplies (tires/uniforms/shop tools/etc).

Rate Request

Due to these pricing escalations, Waste Pro of Florida requests a residential rate of \$37.75 per home, commercial rate of \$7.48 per cubic yard, and \$375.00 per pull for rolloff containers.

As an alternative to a one-time rate increase, we propose the following for residential:

Residential Rate \$28.90 per home Effective 5/1/2024

Rates to be adjusted annually for the following two years of the contract extension. Future adjustments would be \$5.64 + CPI per home for years 2 & 3 of the extension period. Years 4 – 7 of the extension period will adjust according to CPI.

Commercial and rolloff rates will be adjusted according to CPI for years 2 – 7 of the extension period.

All rates for the extension period are also subject to adjustment (+ / -) based on the fuel and recycling components currently in place.



September 1, 2023

Ms. Elizabeth Mascaro
 Town Manager
 Town of Melbourne Beach
 507 Ocean Avenue
 Melbourne Beach, FL 32951-2523

Re: Intent to Request Fuel/Collection Component, and Recycle Processing Fee Adjustment

Dear Ms. Mascaro:

Pursuant to the "Renewal and Amendment to the Contract Between the Town of Melbourne Beach and Waste Pro", Waste Pro is required to provide a letter of request for a fuel component and recycle processing fee adjustment. Please accept this letter as notice to satisfy required submittal.

$$\text{Fuel Adjustment} = \frac{\text{Jan-Jun 2023} - \text{Jul-Dec 2022}}{\text{Jul-Dec 2022}}$$

$$-17.38\% = \frac{4,149 - 5,0215}{5,0215}$$

$$\text{Recycle Processing Fee} = \frac{\text{(Bi-Annual Processing Fee Cost / Average Household Count)}}{\text{Six Months}}$$

$$\$1.70 = \frac{\text{(\$13,304.40 / 1,308)}}{6}$$

Based on the calculations above, the new rates per month are as follows:

Residential Collection	\$22.37
Extra Cart Fee	\$ 5.09
Multi-Family Recycling	\$ 7.32

These rates are effective 10/1/2023. Waste Pro thanks you for your consideration of this matter.

Sincerely,

Dean Ulrich
 Division Manager
 Waste Pro of Florida, Inc.
 Mobile: 321-302-0218
dulrich@wasteprousa.com

ATTACHMENT B

Effective

10/1/2021

Town of Indialantic

** All rates include 10% Franchise Fee

2021

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F R E Q U E N C Y

	1	2	3	4	5	6	Maint.*	XPU
2	\$ 119.36	\$ 198.06	\$ 276.75	\$ 355.44	\$ 434.14	\$ 512.83	\$ 40.67	\$ 18.16
3	\$ 165.44	\$ 283.48	\$ 401.52	\$ 519.56	\$ 637.60	\$ 755.64	\$ 47.40	\$ 27.24
4	\$ 211.52	\$ 368.90	\$ 526.29	\$ 683.68	\$ 841.06	\$ 998.45	\$ 54.13	\$ 36.32
6	\$ 296.89	\$ 532.97	\$ 769.05	\$ 1,005.13	\$ 1,241.21	\$ 1,477.29	\$ 60.81	\$ 54.48
8	\$ 382.79	\$ 697.57	\$ 1,012.34	\$ 1,327.11	\$ 1,641.89	\$ 1,956.66	\$ 68.02	\$ 72.64

* Included in the matrix rates.

Charges for Commercial ancillary services requested by the Customer, such as locks, casters, roll-out services, etc., shall be negotiated directly with the Customer.

\$ 9.08 Billed Cubic Yard (Harris Same)

COMMERCIAL TOTOR RATES TO CUSTOMER:		Service code	
Solid Waste	2x/Week	\$38.42	PR2

RESIDENTIAL RATES TO CUSTOMER-WATER BILLED:

	Garbage	Recycle	Yard Trash	Total
Single home	\$16.99	\$5.94	\$1.93	\$24.86
Mult Unit	\$16.99	\$5.94	\$1.39	\$24.32
Backdoor	\$26.43	\$5.94	\$1.93	\$34.30

Residential Ancillary Rates		
One Time Charge		Rate
Exchange Cart	(swap out 96 gal msw or yardwaste cart for 64 or 96 gal rcy cart)	\$ 35.00
Exchange Cart	(swap out 64 gal rcy cart for a 96 gal rcy cart)	\$ 35.00
Additional Recycle Cart	(provide additional 64 or 96 gal rcy cart)	\$ 75.00

Note: Disability "backdoor" service at above Single home rates. No additional cost.

	Pull Rate	Monthly Maintenance Fees
15 Yard Open Top Per Pull	\$349.70	\$125.00
20 Yard Open Top Per Pull	\$349.70	\$125.00
30 Yard Open Top Per Pull	\$349.70	\$125.00
40 Yard Open Top Per Pull	\$349.70	\$125.00

MAINTENANCE FEE ON ALL ROLLOFF CONTAINERS ARE CHARGED PER MONTH FOR EACH CONTAINER

	Pull Rate*
15 Yard Compactor Per Pull	\$349.70
20 Yard Compactor Per Pull	\$349.70
30 Yard Compactor Per Pull	\$349.70
40 Yard Compactor Per Pull	\$349.70

***ABOVE RATES ARE BASED ON PULL CHARGES ONLY AND DO NOT INCLUDE DISPOSAL AT THE LANDFILL, TAXES, OR LEASING/MAINTENANCE FEES, ALL OF WHICH WILL BE ADDED TO THE FINAL CHARGE FOR THE ROLLOFF CONTAINER**

2023

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F R E Q U E N C Y

	1	2	3	4	5	6	Maint.*	XPU
2	\$ 131.07	\$ 217.47	\$ 303.88	\$ 390.29	\$ 476.69	\$ 563.10	\$ 44.66	\$ 19.94
3	\$ 181.66	\$ 311.27	\$ 440.88	\$ 570.49	\$ 700.10	\$ 829.71	\$ 52.05	\$ 29.91
4	\$ 232.25	\$ 405.07	\$ 577.88	\$ 750.69	\$ 923.51	\$ 1,096.32	\$ 59.44	\$ 39.88
6	\$ 326.00	\$ 585.22	\$ 844.44	\$ 1,103.66	\$ 1,362.88	\$ 1,622.10	\$ 66.78	\$ 59.83
8	\$ 420.32	\$ 765.94	\$ 1,111.57	\$ 1,457.20	\$ 1,802.82	\$ 2,148.45	\$ 74.69	\$ 79.77

* Included in the matrix rates.

* Charges for Commercial ancillary services requested by the Customer, such as locks, casters, roll-out services, etc, shall be negotiated directly with the customer

\$ 9.97 Billed Cubic Yard (Harris Same)

COMMERCIAL TOTES RATES TO CUSTOMER:		Service code
Solid Waste	2x/Week	\$42.19 PR2

RESIDENTIAL RATES TO CUSTOMER- WATER BILLED:

	Garbage	Recycle	Yard Trash	Total
Single home	\$18.66	\$6.52	\$2.12	\$27.30
Multi Unit no special rate	\$18.66	\$6.52	\$1.53	\$26.71
Backdoor	\$29.02	\$6.52	\$2.12	\$37.67

Residential Ancillary Rates		
One Time Charge		Rate
Exchange Cart	(swap out 96 gal msw or yardwaste cart for 64 or 96 gal rcy cart)	\$ 35.00
Exchange Cart	(swap out 64 gal rcy cart for a 96 gal rcy cart)	\$ 35.00
Additional Recycle Cart	(provide additional 64 or 96 gal rcy cart)	\$ 75.00

Note: Handicap "backdoor" service at above rates. No additional cost.

	Pull Rate	Monthly Maintenance Fees
15 Yard Open Top Per Pull	\$384.01	\$137.27
20 Yard Open Top Per Pull	\$384.01	\$137.27
30 Yard Open Top Per Pull	\$384.01	\$137.27
40 Yard Open Top Per Pull	\$384.01	\$137.27

"MAINTENANCE FEE ON ALL ROLLOFF CONTAINERS ARE CHARGED PER MONTH FOR EACH CONTAINER"

	Pull Rate*
15 Yard Compactor Per Pull	\$384.01
20 Yard Compactor Per Pull	\$384.01
30 Yard Compactor Per Pull	\$384.01
40 Yard Compactor Per Pull	\$384.01

*ABOVE RATES ARE BASED ON PULL CHARGES ONLY AND DO NOT INCLUDE DISPOSAL AT THE LANDFILL, TAXES, OR LEASING/MAINTENANCE FEES, ALL OF WHICH WILL BE ADDED TO THE FINAL CHARGE FOR THE ROLLOFF CONTAINER

Agenda Items for February 2024 Regular TC meeting
 Town Commission Meeting
 Section: New Business?
 Meeting Date - For upcoming February 21, 2024
 From: Alison Dennington, Mayor

RE: 2nd kitchens, Repeal Ordinance 2023-02 and Consideration of Working on a Stricter, Narrowly Tailored Alternative

And, if necessary, work on replacing it (IN THE FUTURE) with a new, narrowly tailored Ordinance including but not limited to allowance as a Conditional Use and/or Variance but only for Clearly Defined and Limited Circumstances (ie. An actual showing that the need for such 2nd kitchen is in fact for a parent or child within the same family), and with Stricter Standards on the Size and Location for said 2nd kitchen to ensure that it is not, will not be used as, nor becomes an “Accessory Dwelling Unit”

And, after repeal, and upon reconsideration, there need to be some express, legal and enforceable means of ensuring that the property remains zoned as Single as opposed to Multi-Family such as requiring all such permits contain an Express Requirement and Provision for the Execution and Filing of a Development Permit/ Agreement/Order that runs with the land, and is filed with County Records, and which states that such “2nd Kitchen” was permitted for and can only be used as a Single Family Residential unit (and thus is not permitted for use as a Multi-Family Zoning), and that violation of that condition is enforceable by the Town by all legal means available including fines and removal. Additional consideration for overall SIZE limitations upon the “second kitchen” as well as location and access limitations and an express provision that no *additional* second kitchen for a second kitchen is permissible.

BACKGROUND INFORMATION:

Summary: Last year, in March 2023 the prior commission attempted to adopt a new ordinance, Ordinance 2023-02, to permit 2nd kitchens to enable multi-generational living situations.

First, I believe that ordinance was illegally enacted without proper notice

and comment and not in accordance with State and local law, for several independent reasons, or at least, taken together as a whole, these various substantive and procedural violations, make this ordinance void or voidable, and therefore uncertainty exists. AS the Commission we have a duty and the opportunity to rectify that situation by repealing that ordinance and starting over now. Better late than never and better to do so now during the Moratorium period that was recently decided.

Second, I believe there are in fact better ways redraft a new, narrowly tailored ordinance, with proper notice and comment, which will fulfill the stated goals of the original ordinance, and yet which will be no broader than necessary and thus will substantially, if not completely, eliminate the other collateral unintended negative consequences of the ordinance as it is currently written. I would even go so far as to say that we ought to as a Commission repeal this Ordinance, then take steps to consider and propose a new ordinance, and thereafter, consider submitting that provision to the Voters as a Referendum. Whether it is or is not to be submitted as a referendum matter or not, I believe we must repeal the current ordinance now (take immediate steps to do so), and thereafter work on an alternative thereafter. We have recently voted on a Moratorium, however that will expire.

We have recently hired new Town Attorneys. They will be able to assist in the rewrite process. However, that could take a while. On the other hand, the repeal of this provision for the reasons state above and below could happen fairly quickly, because the wording for such a repeal is nowhere near as detailed as the the rewrite, therefore it could be undertaken quickly followed by the necessary publication, notice and comment periods and the public readings, etc.

Issue 1 - SHORT Discussion

Deficient Notice to the Public and therefore, ipso facto failure to give the Citizens a meaningful opportunity to to consider the proposed changes and to Comment or otherwise object prior to adoption.

Further, and relatedly, the stated objectives are not necessarily achieved at all, the provision is not limited to what it was stated to be intended to address, the

“enforcement” provisions are likely not enforceable, and the provision has not provided for clarity but in fact has created additional ambiguity.

It is not that the Town could NOT have enacted an ordinance allowing ADUs, *but the problem here is that the Town did NOT intend to adopt an ADU ordinance, NOR were the Town citizens apprised that an ADU ordinance was adopted.*

To forestall and eliminate any ambiguity the Town should immediately take steps to repeal this ordinance during the period of the moratorium, and thereafter the Town can take the needed time to recraft a more narrowly tailored ordinance with public comment and consideration in order to achieve the proper and true intent without the ambiguity and without all the risks as to future litigation, future adverse interpretations, and/or future issues of non-enforceability.

Issue 2 - Short Discussion

I believe that many Citizens of the Town have expressed their valid fears that the Ordinance as written currently allows far more than was ever the original intent of the ordinance. The stated reasons for the ordinance were to clarify the existing local law and to provide a means for multi-generational living within the same family to co-exist in the same household. In other words, for a family to have a “Second Kitchen” for the use of an elderly parent or an adult disabled child. This became an issue during the election. That it did is important to consider.

The People of the Town are supposed to be the ultimate source of our Legislative and Police Power, which is the source of our power as a Commission to enact ordinances. If the people were upset over this issue, and felt that that they were not told enough about it, or were not properly informed, or that the notice was lacking or failed to put them on proper notice of the true nature of the changes, and as such they were denied meaningful opportunity before to comment or object, then that is an issue. Therefore, I feel it is incumbent on us to listen to them, repeal this provision, start over. The 2nd time around we can make a point to be more clear, and more precise in the wording, and we can do that with the fears in mind as have been and will be voiced by the citizens. We can then incorporate provisions into a new ordinance to allow what is intended to allow, but to avoid all that which

is needed or necessary to avoid. In other words - we can narrowly tailor it and make it enforceable.

Even though the original ordinance purported to have been proposed for some limited purposes, there is nothing in the current ordinance that strictly limits its use in that manner. Thus, there is a valid fear that subsequent applicants will quickly attempt to exploit that ambiguity, and then that those actions will result in a slippery slope into Multi-Family Zoning in all the Single Family Zoning District, or that intensity will increase, or that more and more Short Term Rentals will pop up in these various properties which are now potentially allowed to build what is essentially an ADU.

All of these potential looming scenarios either violate or wholly change the Single Family Zoning designations for those property districts without that ever having been disclosed to the public. All of these potential looming scenarios also will increase density and intensity in violation of the Comp Plan. And finally, despite the purported inclusion of some “limitations” and “restrictions” that were placed when the ordinance, these are so badly drafted and ambiguous that they are essentially useless. Which places the Town in a much worse position than it was before. Simply put, mistakes were made. Let’s repeal this and redo it correctly.

RECOMMENDATION:

For these reasons, I request and recommend that the Ordinance 2023-02 be repealed as soon as possible. Thereafter, the Planning and Zoning and/or the Commission can take the necessary time to redraft a new Ordinance that is narrowly tailored and no broader than necessary to achieve the narrow and limited goal, and that is consistent with other provisions of the Town Charter and Code, State law, and our own Comp plan, and that is legally enforceable as intended, such that no actual or subsequent “Two Family” zoning, or “Multi-Family” by prescription use can be asserted later, and also so that issues related to currently non-conforming properties are expressly addressed and for numerous other reasons as stated herein.

FURTHER, DETAILED DISCUSSIONS OF ISSUES 1 AND 2
VARIOUS CITATIONS AND MATERIAL
For DISCUSSION TO THE COMMISSION, ADMINISTRATION, AND THE
TOWN

The ordinance was enacted supposedly to “clarify” the existing ordinance and to permit a very limited narrow circumstance. But in fact the Ordinance is far broader than ever intended and has created far greater confusion and ambiguity.

Further, the ordinance was substantially changed between the first and second reading such that an entirely new notice period should have begun yet it was not. The notices regarding the subject ordinance, the title, description, nor the words or language used in the ordinance itself - all of these - fail to discuss or even mention various terms and provisions (found in the Town Charter, Town Code, the Land Development Code, and the Town Comprehensive Plan) that are in fact relevant, and which have been potentially amended, modified, repealed or placed in a position of ambiguity or uncertainty as a result of the language of this ordinance. The “2nd Kitchen Ordinance” fails to mention “Accessory Dwelling Units” and yet that is perhaps what might have inadvertently been passed. That was not the intent, therefore it should be immediately repealed.

Because various relevant and potentially or actually amended or affected provisions of the prior existing code were not mentioned at all ever in the notice relating the Proposed Ordinance, NOR in the Ordinance itself, as was required by state and local law and the spirit thereof, Nor were these mention in the title or the readings made to the public, the entire process was essentially tainted by misinformation. The public was (inadvertently) misled. Were the public notified of all the potential consequences and/or the true impact, or the potential impact of this ordinance - I believe they would have shown up in abundance to object, and then a process to address those concerns would/could have occurred. The problem is that since that notice was never given, that was not allowed to happen at all. Both Florida law, and the Town Charter, and provisions of the Town Code have specific mandatory requirements for notice and comment procedures. These were not followed. At least arguably these were not followed.

Florida Statute Section 166.04 requires that the subject of an Ordinance be clearly stated un the title. Yet the title and reading of Ordinance 2023-02, both at its first and second reading only uses the term 2nd Kitchen, and never mentions Two-Family Zoning or Multi-Family Zoning, or Accessory Dwelling Units.

However, 163.31771 Accessory dwelling units, as defined in Florida statutes are defined as: (2) As used in this section, the term: (a) “Accessory dwelling unit” means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.”

And, that is strikingly similar to the Town’s 2nd Kitchen ordinance. However, that same section, 163.31771, that defines accessory dwelling units states that its intent is (1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely- low-income, very-low-income, low-income, or moderate-income persons.” And then importantly for purposes here this provision makes a carve out to allow for 2 family residential zoning, within a SINGLE FAMILY zoning area, if and when a locality by ordinance permits these ADUs.

See 163.31771, (3) A local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single- family residential use.” This was NOT disclosed to the Public here in relation to this ordinance. This was not the intent (or at least this was never stated as the intent). BUT, the problem is the ambiguity created and avoiding the possible litigation over that ambiguity. Repeal of this ordinance and replacement with something better

will remedy that sooner rather than later.

The following provisions and definitions are relevant to consider. The SUBJECT ordinance affects Single Family Zoning Districts.

The Town Code, Appendix A, Section 1A-3, defines Dwelling, Multi-Family, Single-Family, Two-Family, and Dwelling Unit or Living Unit as follows:

DWELLING UNIT or LIVING UNIT.

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

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** [NOTE SINGULAR] **containing two dwelling units, designed for occupancy by not more than two families.**
Duplexes are so classed.

The Town Code **defines a “change of use” as a “change from the use existing to any other use.”** See Appendix A, Chapter 1A, Section 1A-3 Definitions.

The First Versions vs the Amended Versions - Substantial Changes:

The First Version of this Ordinance used language that required the “Second Kitchen Area” to essentially be fully contained within the Single Family Residence, both structurally, internally, externally, and architecturally, as well as by means of access. In other words, the first version was the traditional concept of a SINGLE FAMILY HOME except that it would have 2 kitchens, but the location and access to that kitchen would all be from within the single family home and NOT amenable to 2 unrelated families cohabitating with separate entrances and

exits. So, that first version specially said that access to that 2nd kitchen would be from the ordinary living quarters of the existing home, and that there could be no external access to that second kitchen. The “external access” is what makes it more likely that 2 different families, strangers to each other, would be willing to occupy a place with 2 kitchens. If they live and cohabitate in their separate quarters, including going into their kitchen without intermingling with a “stranger family” they are more likely to rent that Additional Accessory Dwelling Unit, whereas, on the other hand if in order to go to the kitchen they have to cross path with strangers, then the desirability of this 2 family rental is reduced, for both long term and short term rentals. This is a PRACTICAL enforcement mechanism to prevent unauthorized 2 family dwelling unit from operating.

On the other hand, within the same multigenerational family the access issue is not as big of a concern. That first provision stated expressly: “Access to the second kitchen shall not be solely via exterior access.”

This provision is FAR from perfect. And there are changes that are needed to it as well. However, it was better than the 2nd version. The 2nd version was substantially changed in a material and fundamental respect which makes it even worse and tips the scales into the land of being a new proposal which required the notice to start anew.

The second version of this Ordinance changed substantially in that it changed a substantial limitation, and then added a substantial modification to allow separate structure for all intents and purposes that are connected by a “Breezeway.” The Breezeway scam is a very slippery slope that leads to multi-family zoning - when it is permitted without very structured provisions and enforceable restraints. Period.

The First Version of the Provision said this:

“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. Access to the second kitchen shall not***

be solely via exterior access.

The Second version thought that was adopted, and that was discussed and amended after the initial readings, deleted certain words and modified others—such that—the provision fundamentally, materially and substantially changed, as did the potential consequences yes, actual, legal, and practical consequences.

The Second version as adopted without proper vetting, without sufficient and proper notice and opportunity for comment was amended after the first notice and thereafter purported to be adopted reads as follows:

“The second kitchen facility and the area or quarters it serves shall be integrated architecturally

[**notice that the phrase “both internally and externally” have been removed here]

into the principal single-family dwelling unit

or may be located within separate quarters connected to the principal single-family dwelling unit by a common wall or common roof.

For purposes of this section, a breezeway connection between

the principal single-family dwelling unit structure

and the separate quarters served by the second kitchen may constitute a common roof.

Access to the second kitchen shall be as required by the Florida Building Code.

[NOTE there are provisions in the “ACCESSIBILITY” requirements and elsewhere in the Florida Building Code - that simply DO NOT APPLY TO 1 AND 2 FAMILY RESIDENTIAL. The change from access shall not be from the exterior only - to - access shall be as required by the FBC was substantial in that the first was a substantial limitation on future intended and practical uses,

whereas the latter change, eliminated that actual practical restraint and failed to replace it with ANYTHING meaningful]

These modifications are so substantial on their face, but in fact after sufficient inquiry they are even more substantial as potentially applied that they cannot be said to be minor such that the Public was apprised of the what was to occur and potentially be passed, nor given time to react and comment.

These changes far exceed the stated original purposes, and fundamentally and dramatically change the character of what is allowed, and what likely will in practice thereafter result.

These changes should have been sent out and noticed again, anew, to the public. In fact, the implications that this was or could be considered an entirely new class of zoning - and/or a change from Single Family Resident to 2 family residential with accessory dwelling units - *all of this should have been disclosed but it was not.*

The Town Code as it reads now on the AmLegal Website contains the following new provision based on the subject ordinance:

§ 7A-72. SINGLE-FAMILY RESIDENTIAL SECOND KITCHEN FACILITY.

A second kitchen facility may be incorporated into a single-family residence located in the 1-RS, 2-RS, and 3-RS zoning districts, provided the second kitchen facility meets the following conditions:

(1) The **second kitchen facility and the area or quarters it serves shall be integrated architecturally into the principal single-family dwelling unit or may be located within separate quarters connected to the principal single-family dwelling unit** by a common wall or common roof. For purposes of this section, **a breezeway connection between the principal single-family dwelling unit structure and the separate quarters served by the second kitchen may constitute a common roof.** Access to the second kitchen shall be as required by the

Florida Building Code.

(2) A permit for construction must be obtained, and a floor plan of the entire single-family residence, including the *additional kitchen facility*, demonstrating compliance with the conditions set forth in this section, shall be submitted to the Building Official for plan review and approval prior to construction of any second kitchen. The approved floor plan shall be binding upon all future construction plans in regard to the single-family residence and the second kitchen facility.

[NOTE - This provision talks about the floor plan being binding upon all “future construction plans”??? This is NOT drafted well nor in such a way as to ensure maximum enforceability against all manner of potential, future, unintended unlawful uses by transferees. This “limiting”: provisions is in fact worded so that it is pretty limiting of itself as a limiting provision. Actually, in fact, the use of the word “floor plan” could even be construed to be a LIMITATION UPON THE TOWN to challenge the uses of that kitchen. This was NOT the intent. But this provision is ambiguous and needs to be repealed so that it CAN be narrowly tailored to meets its limited objectives, and NO MORE, and so that that it can be enforceable without any ambiguity. This provision for the “floor plan” be “binding” “in regard to” both the “single family residence” and to the “second kitchen facility” is so ambiguous that it is in fact quite worthless, especially into the future.

(3) 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 and water meter.

[NOTE - This provisions says no part of the SF dwelling unit can be rented, BUT its ambiguous because it does not say that No part of the SF dwelling, including but not limited to no part of the Second Kitchen Facility can be

used for rental. Therefore, it seems, and one would argue, that in fact, that part of the “dwelling unit” that contains the second kitchen CAN be rented.

Furthermore, it’s NOT even clear that this is enforceable at all, ABSENT IT BEING PART OF A DEVELOPMENT ORDER FILED IN THE COUNTY PURSUANT TO THE APPROPRIATE STATUE, AND WHEN THOSE PROVISIONS ARE COMPLIED WITH AND THAT DEVELOPMENT PERMIT IS FILED WITH THE COUNTY!!]

(4) *The single-family dwelling unit shall continue to be utilized by no more than one family.*

[NOTE - Why does this NOT mention that accessory structure, or unit that is called a “Second Kitchen Facility”? This provision is ambiguous, for a few reasons. It discusses the single family dwelling unit, but it does not discuss rtht other thing - that SEPARATE LIVING SPACE that contains a second kitchen, and is in fact a separate living quarters, except that it contains that fictional connection called a “Breezeway.” In other words, that part of the residence that is on one side of the breezeway must contain one family, but that OTHER part of the lot, that part with the 2nd kitchen, that is connected by that breezeway, but is also separated by breezeway - that part can contain a 2nd family. The language in this provision, and OTHER PROVISIONS of state law and the Town code all become ambiguous, but the result of the ambiguity is that numerous arguments will and can be made, and there is no certainty. It seems likely that the way this provision is written, there are 2 separate spaces contemplated - 1 is the single family residence and the other is some other separate structure and living quarters, separate from the single family structure and which CAN be lived in by a totally distinct family. This is NOT limited to “multi-

generational” living with the SAME family, but rather, this is MULTI-FAMILY ZONING and/or 2 family residential masquerading as single family Multi-generational. The Breezeway connects the structures under our town code for one purpose, but that breezeway ALSO separates these 2 structures for other purposes and in that way there is a risk that this provision has turned all of the Town’s Single Family Zoning into Duplexes, and/or 2 Family Residential Zoning. This was NEVER noticed to the public.]

(5) The property upon which the second kitchen is planned to be installed must have a valid Brevard County property tax homestead exemption at the time of permit application, A second kitchen facility must be removed within one year of the loss or removal of the homestead exemption maintained on the property. [NOTE THIS IS BADLY WORDED FOR MANY REASONS, AND POSSIBLY NOT ENFORCEABLE AND THERE ARE BETTER WAYS TO DRAFT SOMETHING THAT IS ENFORCEABLE].

(Ord. 2023-02, adopted 3-15-23)

First off, the words used in this provision are ambiguous, and not narrowly tailored nor clear, and it can easily be seen that the words seem to distinguish between “The Single Family Residence” and that OTHER thing, that other dwelling unit which contains a “Second Kitchen Facility.” This is what someone later could argue. That is why this needs to be repealed now and cleaned up.

There are various provisions of this ordinance which purport to place limits upon how this second kitchen, or how the entirety of the residence and the structure containing the 2nd kitchen will be used, and purport to contain binding provisions, and provisions for removal - yet these provisions are NOT clear, and are probably not enforceable at all, or not easily enforceable.

On the other hand, there ARE ways that these could be rewritten so that they COULD be enforceable.

For example, provision (5) says that the property where it is planned to be installed must have a homestead at the time of the permit application, but it does NOT say the it has to keep that homestead exemption for the entirety including after final inspections. It also says that the kitchen must be removed within 1 year of the loss of the homestead. However, this does not detail how that removal will occur, or the consequence if it does not, nor what the Town's rights are if the owner or subsequent owners refuse or fail to do so. Further, this provision as written might be held to be unenforceable.

On the other hand, there are provisions of the Florida statutes which allow for development permit (agreement), see Fla. Stat. **163.3223**.

**BETTER OPTIONS AND PROTECTIONS AVAILABLE
DEVELOPMENT AGREEMENTS -
aka Development Order or Development Permit**

Fla Stat. 163.3223 **Applicability.**

“Any local government may, by ordinance, establish procedures and requirements, as provided in ss. 163.3220-163.3243, to consider and enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction.”

Fla. Stat. Section **163.3223** (**History.**—s. 21, ch. 86-191).

This provision allows for *certain* things in *certain* circumstances by agreement, and for those to be filed with the county, and for that filing to run with the land and be enforceable explicitly against all future purchasers or transferees. This is something that can be used when redrafting this provision after repeal in order to ensure better enforceability than the current provision.

SEE ALSO

163.3235 **Periodic review of a development agreement.**—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the local government finds, on the basis of

substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.

History.—s. 27, ch. 86-191; s. 12, ch. 92-129; s. 25, ch. 2011-139.

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, **unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property.**

History.—s. 28, ch. 86-191; s. 3, ch. 2021-195.

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, **the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. A development agreement is not effective until it is properly recorded in the public records of the county. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.**

History.—s. 29, ch. 86-191; s. 13, ch. 92-129; s. 26, ch. 2011-139.

163.3241 Modification or revocation of a development agreement to comply with subsequently enacted state and federal law.—If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

History.—s. 30, ch. 86-191.

163.3243 Enforcement.—**Any party or aggrieved or adversely affected person** as defined in s. 163.3215(2) **may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a**

development agreement or to challenge compliance of the agreement with ss. 163.3220-163.3243.

History.—s. 31, ch. 86-191; s. 27, ch. 2011-139.

Indeed the Town’s Appendix A, “Land Development Code” definitions and various provisions track the terms and definitions in chapter 163.

The Town Code defines “Development” as including among other things, “(1)...(b) A change in the intensity of use of land, such as an *increase in the number of dwelling units in a structure or on land or a material increase in the number of ... dwelling units in a structure or on land.*” See Appendix A, Chapter 1A, Section 1A-3 Definitions.

See also

Town Code Appendix A, Chapter/Section 1A-3, Definitions:

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.

See also Town Code Appendix A, Chapter/Section § 3A-2. **DEFINITION.**

DEVELOPER'S AGREEMENT. An agreement entered into pursuant to §§ 163.3220 et seq., Fla. Stat., which the Town is a party to and that may assure construction or provision of a Public Facility and Service. (Am. Ord. 2017-05, adopted 12-20-17)

The Town’s definition of “Development” is the essentially (or exactly) the same as that term as defined in Florida Statutes **163.3223**.

SEE 163.3223 (4) “Development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels....(a) The following activities or uses shall be taken for the purposes of this act to involve

“development”:

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land **or a material increase in the number of** businesses, manufacturing establishments, offices, or **dwelling units in a structure or on land....**

Florida Statutes **163.3221 Florida Local Government Development**

Agreement Act; definitions.— As used in ss. 163.3220-163.3243:(2)

“Comprehensive plan” means a plan adopted pursuant to the Community Planning Act.(3) “Developer” means(4) “Development” ...**A change in the**

intensity of use of land, such as an increase in the number of dwelling units in a structure or on land **or a material increase in the number of** businesses, manufacturing establishments, offices, or **dwelling units in a structure or on**

land.....(c) “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. Reference to particular operations is not intended to limit the generality of this subsection. (5)“Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. (6)

“Governing body” means ...**(8) “Land development regulations” means ordinances** enacted by governing bodies for the **regulation of any aspect of development and includes any** local government **zoning, rezoning, subdivision, building construction,** or sign regulations **or any other regulations controlling the development of land.****(9) “Laws” means all ordinances,** resolutions, regulations, **comprehensive plans, land development regulations,** and rules adopted by a local government affecting the development of land.**(10) “Local government” means any** county or **municipality** or any special district or **local governmental entity** established pursuant to law **which exercises regulatory authority over, and grants development permits for, land development.** (11) **“Local planning agency”** means the agency designated to prepare a comprehensive plan or plan amendment

pursuant to the Community Planning Act.

OTHER PROBLEM, INCONSISTENCIES AND AMBIGUITY WITH THE SUBJECT ORDINANCE IN RELATION TO OTHER EXISTING TOWN CODE PROVISIONS:

It is also hard to square the subject ordinance, and the new provision § 7A-72, with the Town's Comprehensive Plan. There are numerous provision that deal with policies and goal that discuss intensity of use, density and increases in those and that is to be avoided, and yet that is what this subject ordinance does is allow undisclosed increased density and intensity. It is also hard to square the subject ordinance and new code provision with that of § 7A-80(a) and (b).

§ 7A-80 (a) Within the districts established by this chapter, or amendments that may later be adopted, there exists lots, structures, uses of land and structures and characteristics of use which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

§ 7A-80 (b) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(75 Code, Appendix A, Art. V, § 1) (Ord. passed 9-26-72; Am. Ord. 2017-05, adopted 12-20-17)

At the very least, there is NOTHING in the new provision § 7A-72. SINGLE-FAMILY RESIDENTIAL SECOND KITCHEN FACILITY which discusses how § 7A-72 is intended to be be interpreted with respect to approvals or denials for structures, uses that are non-conforming. One the one hand they are

currently non-conforming but are permitted to continue, until they are removed, but on the other hand, there is NOTHING That says that the allowance for 2nd kitchens is simply NOT allowed at all in non-conforming structures, or that undertaking to add a 2nd kitchen constitutes a substantial improvement such that in order to be allowed such a permit, the property is subject to potentially to bring all non-conformities into compliance in order to be allowed a substantial modification that is the 2nd kitchen.

In fact, a non-conforming property need not “add another” structure, to add a 2nd kitchen. Thus, the provision in (b) below would not be triggered. That provision is triggered when a non-conforming property is enlarged, expanded, or extended, whereas turning 1 room within a footprint into a kitchen is not an enlargement, nor expansion, nor extension. And likewise, it is also NOT per se the addition of a new “other” structure if it is simply turning a room of the house into something else, as opposed to adding on. And finally, the last part of that provision limits non-conforming changes if the “use” is prohibited elsewhere in the same district. Well, under the new 2nds kitchens ordinance, a 2nd kitchen is NOW purported to be a USE that is now ALLOWED. In a way, this Ordinance actually seems to made it so that some previously non-conforming properties that had a second kitchen are now no longer non-conforming. Or at the least, non-conforming properties might be able to make these changes and not trigger anything that would stop them from doing so to put in a second kitchen in what is otherwise an already non-conforming property, and further coupled with the other problems discussed, this is very problematic.

Other provisions, and examples, which are implicated (this is a non-exhaustive list) are as follows:

§ 7A-17. APPLICATION OF DISTRICT REGULATIONS.

The regulations established by this Land Development Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided: (1) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. (

2) No building or other structure shall hereafter be erected or altered: a. To accommodate or house a greater number of families than is permitted for by this chapter; . . . ,

§ 7A-30. DISTRICT REGULATIONS ESTABLISHED. District regulations shall be set forth in the following sections, and as set forth in §§ 7A-50 through 7A-69. (75 Code, Appendix A, Art. VI) (Ord. passed 9-26-72)

§ 7A-31. 1-RS SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Intent. The provisions of this district are intended to apply to an area of low-density single-family residential development. Lot sizes and other restrictions are intended to protect and promote high-quality residential development.

Thereafter, § 7A-31, as well as § 7A-32 and § 7A-33, all of those provisions contain subparts (b)(1)-(4), and (c) which contain those “uses” and “structures” which are intended to be allowed, and (e) contains those uses that are prohibited, and finally (g) contains “Supplemental” uses.

Collectively, all three of those provisions (before and after the Subject ordinance) § 7A-31(b), § 7A-32(b), and § 7A-33(b), allow as “principal” “uses” and “structures” the following: (1) Single-family dwellings; (2) Home occupations (See § 7A-62); (3) Electric Utility Substation and (4) K-12 Schools.”

NOTE that none of these allow - Two Family Dwellings, nor do they allow “Accessory Dwelling Units.”

They DO allow in provision (c) “accessory uses and structures” but those are limits to “Structures clearly incidental and subordinate to the principal use, such as: patios, private docks, swimming pools, utility sheds, garages, playhouses and similar uses or structures.” In other words, the principal use is that of a “Single Family Dwelling.”

All of those provisions (§ 7A-31, 7A-32 and 7A-33) then state that there are “**prohibited**” uses and those are listed, along with a catch all found in (e)(4) which is this: “All other uses not specifically or provisionally permitted herein.” Except this CATHALL prohibition - is actually now (possibly) rendered completely

ambiguous by virtue of the subject ordinance, or at least, with respect to 2 family zoning, although NOT explicit in the allowed uses, it PERHAPS now could be considered implicit in the supplemental uses. And this is because the “Second Kitchen” ordinance amends and added to the “Supplementary Regulations.” **All of the provisions in the Single Family Residential Zoning Districts (ie. § 7A-31, § 7A-32, and § 7A-33) also all contain a subsection (f) “Special Exceptions” and also (g) “Supplementary Regulations”** which state the following, “As provided in §§ 7A-50 through 7A-72, and Chapter 9A. **These “Supplemental Regulations” are NOT contained in the “principal uses” nor in the “accessory uses” nor in the “prohibited uses,” but they are contained in all three sections for Single Family Residential.**

To put it simply, one might say that a Wolf (aka an “Accessory Dwelling Unit” or “ADU”) was inadvertently hiding in Sheep’s clothing (aka the “2nd Kitchen”). The Public, the Citizens and Residents, were NOT ever notified of, nor able to consider, nor able to comment upon or object to the Wolf (the ADU) because the Public Notice only mentioned a sheep (2nd kitchen).

**NOTICE AND COMMENT, AND SUBSTANTIAL CHANGES AFTER
INITIAL NOTICE**

Florida Statute **166.041** provides minimum **Procedures for adoption of ordinances and resolutions.** For example, **166.041 (2)** Each ordinance or resolution shall be introduced in writing *and shall embrace but one subject and matters properly connected therewith.* **The subject shall be clearly stated** in the title. **No ordinance shall be revised or amended by reference to its title only.** **Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.”**

One question of many is this: Where did this 2nd kitchen ordinance state that it was changing the Zoning in all areas from Single Family to 2 family Zoning by the allowance of a new category of uses called an “Accessory Dwelling Unit” connected by a “breezeway” which is illusory and for all other intents and purposes allows for a separate structure and dwelling unit, and which can be rented out to a second and completely unrelated family and increase density and intensity of use as well as related impacts on the facilities and structures in Town, including roads and traffic and schools, etc.? The Answer, it DID NOT notify anyone of this.

**NOTICE AND COMMENT, STATE LAW, LOCAL LAW, AND AG
OPINION/DISCUSSION**

The Florida Attorney General has stated that: “whether any change to a proposed ordinance during the enactment process is substantial or not is a question of fact or mixed question of fact and law.” See Fla. Ag. Op. 82-93 (citing *Farnsley v. Henderson*, 240 S.W.2d 82 at 84 (Ct.Ap. Ky. 1951) (holding that what constitutes a material or substantial change in an ordinance between first consideration and enactment is dependent upon the circumstances of each case).

Further, the AG said that “notice is an elemental aspect of due process, courts having historically set forth the general principle that due process consists basically and in part of fair notice and an opportunity to be heard.” See Fla. Ag. Op. 82-93 (Citing *City of St. Petersburg v. Austin, supra*, at 488, affirming the trial court in that the legislative intent of s. 166.041(3)(a): “[t]he legislative intent is to give the public notice of the ordinance and to make the council itself aware of the ordinance's effect.”).

And, in conclusion the AG stated: “[I]n view of the above authorities, I must conclude that if any substantial or material changes or amendments are made during the adoption process, the enactment process mandated by s. 166.041(3)(a) must start anew, with full compliance with the reading and notice requirements contained therein.” See Fla. Ag. Op. 82-93. *See also* Fla. AG Informal Opinion, January 31, 2000 regarding a referendum for a Miami-Dade County Charter Change and the manner and/or use of Misleading or Incomplete language in a title or proposal noticed to the public and various ambiguities discussed wherein .

Florida Statutes also permit a local government to have even stricter, additional requirement as well. The Town’s Charter does in fact do that.

See TOIWN CHARTER § 1-17.

- (a) All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless

otherwise expressly provided. [Note I am not sure this was complied with or not, but see provision c]

(b) Every proposed ordinance or resolution shall be introduced in the final written or printed form required for adoption. The enacting clause of ordinances shall recite: “Be it enacted by the Town of Melbourne Beach, Florida.” Except for emergency ordinances adopted as provided by state law, no ordinance shall be passed until it has been read at two Commission meetings, not less than one week apart, except that a second reading, other than by title, may be dispensed with upon the unanimous affirmative vote of the Commission members present. [Note I am not sure this was complied with or not, but see provision c]

(c) A proposed ordinance may be amended at either meeting. However, no ordinance shall be amended at the second or later reading so as to materially alter said ordinance without a further complete reading of the affected portion at least one week later. The Commission shall provide for public hearings or for the publication of notice concerning the subject matter of any proposed ordinance or amendment. Ordinances and resolutions shall become effective upon passage unless otherwise specified herein. Every ordinance and resolution shall, upon final passage, be authenticated by the presiding officer and the Town Clerk and shall be recorded and published as the Commission shall prescribe.

The Subject Matter -- that this ordinance was essential a change possibly allowing “Accessory Dwelling Units, “as separate units, connected only by the sham of Breezeway, and that in turn, these could ten be used by a second unrelated family and event rented out - that subject matter was NOT disclosed. Further increased density was not disclosed. Further, the Zoning Map and Zoning Classification changes from Single Family to Two Family Residential was NOT disclosed.

Thus, the local provisions for amendment were not complied with in addition to the State requirements (including but not limited to reqs regarding Comp Plan Amendments, submittals and recommendations on the final amendments first going to the LPA, and others).

Furthermore, the Town Code Appendix A also includes additional provisions and procedures applicable for amending the Land Development Code ordinances, which are found in Appendix A. See § 1A-5.

In fact, the provision found in the following provision are ambiguous as to what Application and procedures apply to Commission Initiated Amendments. But, it is arguable that these were not complied with either.

§ 1A-5. PROCEDURE TO AMEND LAND DEVELOPMENT CODE.

(a) The procedure for amendment of the Land Development Code shall be as set forth in this section. This procedure shall not be applicable for amending the zoning map adopted in § 7A-15. The procedure for amendment of the zoning map shall be as set forth in § 7A-101 of the Land Development Code.

(b) An amendment to the text of the Land Development Code, excluding the text of the Comprehensive Plan, may be *initiated* by:

- (1) The owner of real property located in the Town or by said owner's authorized attorney-in-fact;
- (2) Any resident of the Town;
- (3) Town Commission;

- (4) Planning and Zoning Board/Local Planning Agency;
- (5) Town Manager; or
- (6) Town Attorney.

(c) Application by Town Commission, Planning and Zoning Board/Local Planning Agency, Town Manager or Town Attorney. A proposal to amend the Land Development Code may be initiated by the Town Commission, Planning and Zoning Board/Local Planning Agency, Town Manager, or Town Attorney by filing a written proposal with the Town Manager or his designee, as set forth herein. The written proposal shall be classified as an "application" as that term is used herein. Applications filed pursuant to this division (c) shall be classified as administrative applications of the Town and shall be exempt from the requirements of division hereof.

- (d) Application by resident or real property owner. Every applicant,

other than the Town or a Town official or board, including but not limited to an owner of real property within the Town, or resident of the Town, shall be required to file an application pursuant to the requirements of division hereof.

(e) Application Form. A complete written application for an amendment to the Land Development Code shall be submitted to the Town Manager or his designee. Until all informational items required on the application form are provided, the application shall not be considered to be complete for review and

consideration. All items required to be submitted by this section which are not answered on the application form but which may be appended or attached to the application form or which may be on separate sheets of paper shall be deemed to be a part of the application form as if specifically included therein. All applicants shall be required to execute the application form in the presence of a notary public and by oath or affirmation swear to the truth of the statements in the application or that to the best of said applicant's knowledge and belief the statements in the application are true and correct, or alternatively, an applicant may execute an application at the end of said application wherein it shall state "Under penalties of perjury, I declare that I have read the foregoing application for Amendment to the Land Development Code and that to the best of my knowledge and belief the facts stated in it are true." Applications executed for a corporation shall be executed by an authorized vice-president or superior corporate officer. Applications executed by a partnership shall be executed by an authorized general partner. **Applications shall be made upon a form to be designed by the Town Manager or his designee, which form shall include:**

- (1) **The name, address and telephone number of the applicant;**
- (2) The name, address and telephone number of any agent who will or might represent the applicant in any Town review proceeding regarding the application;
- (3) A general description of the proposed amendment to the Land Development Code, explaining why the amendment is necessary or appropriate;**
- (4) The specific code sections to be amended or adopted and**

the specific wording to be adopted;

(5) An analysis of the impact of the amendment on the environment and natural and historical resources, if any;

(6) An analysis of the degree of consistency of the proposed amendment with the Town's Comprehensive Plan;

(7) An analysis of the impact upon the town's ability to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the Comprehensive Plan, if the amendment is granted; and

(8) Payment of all appropriate processing fees and charges, as set from time to time. Processing fees shall be compensation for the cost of review by the Town administration and administrative expenses. All applicants shall pay all costs necessary for the giving of any public notice as required by state or local law.

(f) Amendments by applicant to proposed amendment.

Amendments to a pending application once said application is deemed to be sufficient for review after satisfaction of the requirements in division (e) of this section may not be made by the applicant unless said amendment is accepted by the Planning and Zoning Board or the Town Commission.

(g) Following a determination by the Town Manager or his designee that the application is sufficient for consideration and meets the requirements of division (e) of this section, if applicable, the Town Clerk shall advertise a public hearing to be held by the Planning and Zoning Board/Local Planning Agency. The advertisement shall contain notice of the time, place, date and purpose of the Planning and Zoning Board/Local Planning Agency public hearing. It shall be placed in a newspaper of general circulation, as defined in the Chapter 50, Fla. Stat. Said publication shall be made not less than 15 days prior to the date of the public hearing regarding an application. Said notice shall advise the general public that the Planning and Zoning Board/Local Planning Agency will accept written or oral comment from the public with regard to the application; that the application may be reviewed by the public; the location, days, and time during which the application may be examined by the public; and that anyone wishes to appeal any action of the Planning and Zoning Board/Local Planning

Agency may need a verbatim transcript of the public hearing and that said person shall be responsible for furnishing said transcript.

(h) Conduct of Planning and Zoning Board/Local Planning Agency Hearing. *The Planning and Zoning Board/Local Planning Agency shall encourage and accept oral and written comments from the applicant or the applicant's agent or attorney, Town staff or other governmental entities, the Town Attorney and the general public.*

The Board may, in its discretion, seek the recommendation of the Town Planner or other consultant with Town Commission concurrence. Letters or other written communications received by the Town regarding a pending application shall be considered by the Planning and Zoning Board/Local Planning Agency and made a part of the record. **Following the public hearing, the Planning and Zoning Board/Local Planning Agency shall make a recommendation** to the Town Commission with regard to each application. The recommendation may be based upon all factors affecting the public health, safety, welfare, economic order, public interest and aesthetics, *but the recommendation must include a finding regarding the consistency with and relationship of the proposal to the Comprehensive Plan.* The recommendation *shall be forwarded to the Town Commission for review and final action.*

[*note that after a substantial change by the Commission, it should have gone back to the PZ board who is the LPA]

(i) Preparation of Ordinance. **In any proposal to amend the Land Development Code brought pursuant to this Section, Town resources shall not be expended or utilized to prepare an ordinance implementing any proposed amendment until the Town Commission has authorized the preparation of such an ordinance.**

(Am. Ord. 2017-05, adopted 12-20-17).

ADDITIONAL DOCUMENTS, ATTACHMENTS OR RELEVANT CITATIONS:

1) See **Ordinance 2023-02 and** Town Charter and Town Code found at <https://www.melbournebeachfl.org> and https://codelibrary.amlegal.com/codes/melbournebeach/latest/melbournebeach_fl/0-0-0-16506 and **see also specifically sections**

2) **TOWN COMPREHENSIVE PLAN** - Town

Comprehensive plan at https://www.melbournebeachfl.org/sites/g/files/vyhlf871/f/uploads/final_plan_7-2022_comp_plan_goals_obj_policies.pdf

EXCERPTS:

GOAL Protect, conserve, maintain, and enhance the Town's infrastructure, built, and human environment from the natural processes attributable to sea level rise, storm surge and flooding, with primary focus on areas proximate to the Atlantic Ocean and Indian River Lagoon.

OBJECTIVE 11 - Development, redevelopment. rebuilds, retrofits and additions in the Town shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the Town.

Policy 11.11 - The Town shall hold properties in the Coastal Planning Area to their current development density in order to protect life and property from

natural hazards and the effects of sea level rise.

POLICY 7.4: - Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

Policy 5.3: - The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 5 (2020-2030 Future Land Use) and Map 5 (Coastal High Hazard Area). Public infrastructure within this area as well as within the Coastal Planning Area (Ref: Map 6) may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

POLICY 5.4: - The Town will coordinate with the City of Melbourne, Brevard County, and other local jurisdictions in Melbourne's water service area regarding population projections and development projects that affect future water demands to assist in master planning to ensure that current and future water demands can be met.

Policy 3.2: - Any plan amendment and development or redevelopment project shall be consistent with future

land uses as shown on the Future Land Use Map of the Future Land Use Element.

OBJECTIVE 7.0: Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

OBJECTIVE 2: Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA).

Policy 2.1: The Town shall not fund infrastructure in the high hazard coastal area that subsidizes development.

OBJECTIVE 3: Ensure that decisions regarding the issuance of development orders and permits are based upon coordination of the development requirements included in the Comprehensive Plan, the Land Development Regulations, and the availability of necessary public facilities needed to support such development.

Policy 3.1: The Town shall use the following Level of Service (LOS) standards and LOS targets (for roadways) in reviewing the impacts of new development or redevelopment upon public facility provision:

AGAIN FOR ALL THESE REASONS, REPEAL THIS ORDINANCE. START OVER.

Town Commission Meeting

Section: New Business

Meeting Date -

For upcoming February 21, 2024

FROM: Alison Dennington, Mayor

RE:

ReMinder and Discussion to Adherence to Town Charter and Code Provisions, SPECIFICALLY Traffic Changes, Stop Signs, and the Like and Likewise, CHANGES TO THE PARKS vs. Maintenance of Parks AS WELL AS discussion of whether there are any conflicting POLICIES AND PROCEDURE EXISTING that are being used but which are not consistent with the Town Code.

Discussion of whether express provisions need to be implement. Discussion of whether and how stop signs or other traffic devices and traffic issues will be be decided going forward and whether the Code needs to be clarified, or whether additional express provisions or Policies and Procedure on this issue need to be written in order to ensure compliance with the Town Code as is written. I do not believe that the Town Code is being followed in this regard currently, whether because the Town code is unclear, or whether because historically it has been done a certain way even if that way was also not proper, etc. Regardless of why, it does seem that Current events have at least brought this to the attention of the Commission as being a sensitive subject. Therefore, the code should be examine, the actual policies currently being used, if any, need to be discussed and put on the table and revisions need to be made, or expressly written up so that we have written guidelines to follow and to ensure they are being followed. LIKEWISE as to Park changes. We need to have a Discussion about whether or not CHANGES to parks or facilities are required by the Code to go to the Park Board, followed by their discussion and recommendation to the Commission. I believe the code as written requires that, but I am NOT certain that is being done.

It does not appear this was being done for at least a few things (examples

such as removing the Bocci Courts, removing the circle drive at Town Hall and that handicap parking spot and other changes to the Park areas of Town that are MORE than mere maintenance. But I believe the Town Charter and Code did require it, though that did not occur.

There is a distention between maintenance and supervision of maintenance of parks, and even between carrying out construction or improvements to the Parks that have been properly decided after having been sent to the Parks board and the commission - vs - decisions being made by Public Works or the Manager Alone and never going through the Parks board. Maintenance is for Public Work. Changes to the parks need to go through the Parks board and then. To the Commission first. Then these can be carried out thereafter and supervised by Public Works (after they are budgeted as well.)

RECOMMENDATION:

Discuss and clarify procedures and understanding of the Code and the require processes.

If needed formally adopt procedures to adhere to to ensure changes to the park are not done without proper discussion, rational and vetting by the Parks Board, Citizens and the Commission.

These changes are costly and have the tendency to upset residents. Undoing or changing them AFTER the residents are upset, then costs MORE money.

Therefore it is prudent for us to consider these issue, formulate guidance going forward, in order to follow the code, and spend tax money wisely.

BACKGROUND INFORMATION:

ARTICLE III. GENERAL TOWN ADMINISTRATION

Sec. 3.01. POWERS AND DUTIES OF THE TOWN COMMISSION.

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:

(a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, Town Clerk or Town Attorney, or members of

any board, commission or agency, who are appointed by the Town Commission.

(b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.

(c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.

(d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.

(e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.

(f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.02. ADMINISTRATIVE UNITS OF TOWN GOVERNMENT.

(a) The Commission by ordinance may establish, abolish or reorganize, and prescribe the composition, duties and functions of any Town departments, agencies and offices.

(b) The Town Manager, as provided under Section [3.03](#), with the approval of the Commission, may be the head of any department. The Town Commission may by ordinance authorize the Town Manager to create, abolish or reorganize any departments or positions, and further to delegate any of the duties and authorities of the Town Manager to said departments or positions. The Town Manager shall remain responsible for proper execution of all the functions of the Town Manager whether or not such functions have been delegated by the Town Manager to other departments or positions.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 9-2-86)

Sec. 3.03. OFFICE OF THE TOWN MANAGER.

(a) This office shall be headed by a Town Manager, who shall be appointed by the Town Commission on the basis of his or her executive and administrative qualifications. The Town Manager shall be the Chief Administrative Officer of the Town, and shall be directly responsible to the Commission for all Town affairs placed in his or her charge by this Charter or by ordinance or resolution. The Town Manager when necessary shall appoint, suspend, demote or dismiss any Town employee under his or her jurisdiction in accordance with the law and the personnel rules, and may authorize any Department Head to exercise these powers with respect to subordinates in that department. The Town Manager shall direct and supervise the administration of all departments of the Town except the ~~Offices-Office of Town Clerk and Town Attorney~~, and shall attend all Commission meetings unless excused by the Commission, and shall have the right to take part in discussions, but not vote. The Town Manager shall also prepare and submit the **annual budget, budget message, and capital program to the commission, and shall keep the Commission fully advised as to the financial condition and future needs** of the Town, and shall be responsible for adhering to the approved budget. *The Town Manager shall make such recommendations to the Commission concerning the affairs of the Town as he or she deems advisable.* The Town Manager shall endorse all instruments in writing in which the Town is interested, sign Town checks as authorized by the Town Commission, and execute contracts on behalf of the Town, unless the Commission shall otherwise provide. ...

(b) **Except for the purpose of inquiries and investigations,** the Town Commission or its members shall not give orders or directions to any officer or employee of the Town who is under the direction and supervision of the Town Manager, and shall deal with such officers and employees only through the Town Manager.

(Amendment adopted by electorate 9-2-86; Amendment adopted by electorate 11-5-19)

Sec. 3.12. ADVISORY BOARDS. The Commission may establish advisory boards to make recommendations concerning economic development, recreation, parks, playgrounds, and their facilities and activities as well as planning and zoning and such other municipal functions as the Commission deems advisable. Such boards shall be

composed of a representative membership of registered electors of the Town. (Adopted by electorate 11-6-73).

THEREAFTER THE TOWN DID CREATE SUCH A BOARD

ARTICLE VII. TOWN PARKS BOARD

§ 11-90. ESTABLISHMENT; APPOINTED MEMBERS.

There is hereby created the Melbourne Beach Parks Board, which shall consist of five members plus two alternate members established by the Town Commission. The alternate members will have a voice but not a vote in all Town Parks Board deliberations, unless one or more regular members are absent, in which case the alternate members are authorized to vote in accordance with their designation as alternate member No. 1 and alternate member No. 2, in that order. Each member and alternate member shall be at all times a resident and registered voter of the Town.

(Ord. 87-17, passed 12-8-87; Am. Ord. 90-3, passed 3-14-90).

§ 11-92. OFFICERS; RULES AND PROCEDURES.

Members of the Parks Board shall annually appoint one of the members as Chairperson. The presence of three members shall constitute a quorum. **The Board shall formulate its own rules, policies, and procedures as needed.** (Ord. 87-17, passed 12-8-87)

§ 11-93. POWER AND AUTHORITY.

The Park Board is created and shall have the power and authority to research and study all resources and assets available to the town in an effort to furnish recommendations and suggestions to the Town Commission and Town Manager to improve, enhance, and manage existing parks and to create and develop new parks and park facilities. In addition, said Board shall give its recommendations to the Town Manager as to approval or denial of each special events permit request.

(Ord. 87-17, passed 12-8-87). ***Cross-reference:*** *Special events, see [Chapter 52](#)*

§ 11-94. PARKS AND PARK FACILITIES.

Parks and park facilities shall include the town pier, parks

and beach accesses, community center building and recreational facilities, and any other facilities which may in the future be used for museums, zoological gardens, observatories or such other facilities utilized for cultural events. (Ord. 87-17, passed 12-8-87)

§ 11-1. ESTABLISHMENT OF CERTAIN TOWN DEPARTMENTS; SUPERVISION BY TOWN MANAGER.

(a) In addition to the Police Department, which is created by the Charter, **there are hereby established the following town departments:** Fire Department, Finance Department, **Public Works Department**, Building Department, and the Planning and Zoning Department.

(b) The foregoing departments shall continue to operate and be administered in accordance with this Code and other town or departmental policies, procedures and regulations, as presently established or as hereafter modified. The Town Manager shall be the administrative and supervisory head of the above town departments.

(Ord. 86-21, passed 12-9-86; Am. Ord. 2004-02, adopted 7-21-04)

ARTICLE VI. DEPARTMENT OF PUBLIC WORKS

§ 11-80. ESTABLISHMENT; ADMINISTRATION.

The subdepartment of Office of Public Properties shall administratively be arranged as a subdepartment under the Department of Public Works, and the administrator of that subdepartment shall be directly responsible to the Town Manager.

('75 Code, § 2-2(b)) (Ord. 77-3, passed 10-25-77)

§ 11-81. POWERS AND DUTIES.

(a) The Office of Public Properties shall be administered by the Public Works Director.

(b) This administrator shall be responsible for carrying out the **general administration of town property** by:

(1) **Maintaining** all public grounds, buildings, works, utilities, automotive equipment and machinery;

(2) **Supervising** construction and maintenance of streets, gutters, sidewalks, storm sewers, street lighting and similar facilities on behalf of the town;

- (3) ***Maintaining*** parks, playgrounds, beach areas, the town pier and similar facilities operated by the town;
- (4) ***Supervising*** the *design and engineering of public facilities* of the town; and
- (5) *Supervision* of the public works *employees*.
(’75 Code, § 2-2(a)) (Ord. 77-3, passed 10-25-77)

See also

Article I. General Provisions

[30-1](#) Traffic engineer; appointment powers

[30-2](#) Traffic policies

30-3 – 30-19 Reserved

§ 30-2. TRAFFIC POLICIES.

(a) The Town Commission is authorized from time to time to adopt ***traffic management policies*** by resolution. *Said policies shall not be inconsistent with Florida Statutes, may guide the closure or modification of traffic flow on public streets, shall provide for a “petition process” by which residents, property and business owners, and affected citizens, may request traffic calming, modification, or other improvements. ******All traffic related decisions made shall at a minimum consider the following factors: traffic volume; traffic speed; cost; effect on residents and property and business owners of the town; and the impact on traffic flowing through the town.****

(b) ***The Traffic Engineer shall consider the town's traffic management policies***, coordinate with professional engineers, the Police Chief, and county and state transportation authorities, as appropriate, ***in making any decision pursuant to § 30-1***. No decision of the Traffic Engineer shall be made inconsistent with the town's comprehensive plan. (Ord. 2000-03, passed 7-19-00)

Article II. Traffic Rules

[30-20](#) Boarding or alighting from vehicles

[30-21](#) Speed limits

§ 30-21. SPEED LIMITS. [NOTE IT WAS BROUGHT TO MY ATTENTION

THAT SOME STREETS, SUCH AS 4TH AVE HAVE NO POSTED SIGN FOR A SPEED LIMIT WHATSOEVER]

(a) The maximum speed within the town shall be 30 miles per hour. With respect to residential districts, the town may set a maximum speed limit of 25 miles per hour after investigation determines that such a limit is reasonable. However, the town may set speed zones altering such speed, both as to maximum, not to exceed 55 miles per hour, and minimum, after an investigation determines such a change is reasonable and in conformity with criteria promulgated by the Florida Department of Transportation, except that no changes shall be made on state highways or connecting links or extensions thereof; which shall be changed only by the Florida Department of Transportation.

(b) All speed zones shall be posted with clearly legible signs. No change in speeds from 30 miles per hour shall take effect until the zone is so posted by the town. All signs which limit or establish speed limits, maximum and minimum, shall be so placed and so painted as to be plainly visible and legible in daylight or in darkness when illuminated by headlights.

(§ 316.189, Fla. Stat.) ('75 Code, § 16-7)

30-22 Weight capacity limits - ... QUESTION Is this being enforced as to the limited posted on Riverside or not. If so, or if not, explain how and why and what more can be done?

30-23 – 30-39 Reserved

Article III. Parking Regulations

30-40 Reserved

30-41 Definitions

§ 30-41. DEFINITIONS.

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

CROSSWALK. A crosswalk is: (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of a traversable roadway; or (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for

pedestrian crossing by lines or other markings on the surface.

OFFICIAL SIGNS. The words "official signs" shall mean any sign which is placed or erected by the authority of a public body having jurisdiction for the purpose of regulating traffic or parking.

OFFICIAL TRAFFIC CONTROL DEVICES. The words "***official traffic control devices***" shall mean ***all signs***, signals, markings, and ***devices***, not inconsistent with this article, ***placed or erected by authority of a public body or official having jurisdiction*** for the purposes of *regulating, warning or guiding traffic.*

SAFETY ZONE. The words "safety zone" shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrian and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. The word "sidewalk" shall mean that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

STAND or STANDING. The words "stand" or "standing" shall mean the halting of a vehicle, whether occupied or not, other than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by this article.

STOP or STOPPING. The words "stop" or "stopping" shall mean when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

TRAFFIC. The word "traffic" shall mean pedestrians, ridden or herded animals, and vehicles, and other conveyances either singly or together while using any street or highway for purposes of travel.

TRAFFIC HEARING OFFICER. The term "traffic hearing officer" shall refer to a civil traffic infraction hearing officer as provided for pursuant to Sections 318.30 et seq., Florida Statutes, and established Sections 106-96 and 106-97 et seq, Brevard County Code.

(b) The definitions set forth in Section 316.003, Florida Statutes, are hereby incorporated by reference as if fully set forth herein.

('75 Code, § 16-26.2) (County Ord. 79-31, passed 11-8-79; Town Ord.

80-10, passed 5-27-80; Town Ord. 94-07, passed 1-18-95; Town Ord. 95-02, passed 7-19-95)

[30-42](#) Stopping, standing or parking prohibited in certain areas or places

[30-43](#) Handicapped parking

§ 30-43. HANDICAPPED PARKING. (a) Parking spaces provided by the town for certain disabled persons. (1) All onstreet parking and all publicly owned and operated parking facilities over which the town has jurisdiction must be provided by the town with a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate and who have been issued a disabled parking permit pursuant to the provisions of division (d) of this section or of Section 320.0848, Florida Statutes. The amount of parking spaces to be provided, and the specific circumstances in which the parking shall be provided is, as set forth in division (a)(2) of this section. (2) The following minimum number of such parking spaces shall be provided: (A) For publicly maintained and operated parking facilities intended for public use, the number of parking spaces for disabled persons as set forth in the following table:.....

[30-44](#) Parking citations

[30-45](#) Reserved

[30-46](#) Vehicle owner's liability for parking violations

[30-47](#) Disposition of collected parking fines

[30-48](#) Authority to tow and impound vehicles\

30-49 – 30-99 Reserved

Other

Sec. 8.04. ADOPTION OF THE BUDGET.

After the public hearing, the Commission shall adopt by resolution by vote of at least a majority of the Commission membership a final budget for the Town. In adopting the final budget, the Commission may amend the proposed budget by adding, increasing, deleting, or decreasing any programs or amounts, other than expenditures required by law or for debt service. Total proposed expenditures in the final budget shall not exceed total anticipated revenues.

(Adopted by electorate 11-6-73)

Sec. 8.05. EFFECT OF FINAL BUDGET AND EFFECTIVE DATE.

From the effective date of the final budget, the amounts stated therein as proposed expenditures shall be and become appropriated to the designated purpose and objects. The amounts stated therein as amounts to be raised by taxes shall constitute determinations of the amount of tax levies for Town government purposes for the fiscal year. Taxes so levied shall be certified by the Town Clerk upon adoption of the final budget. The Clerk shall make available copies of the final budget to Town officers and interested persons. The final budget shall be adopted prior to the start of the next fiscal year.

(Adopted by electorate 11-6-73)

Sec. 8.08. SPECIAL ASSESSMENTS.

The Commission is authorized to provide improvements and to levy and collect special assessments against the property benefited as prescribed by Florida Statutes.

(Adopted by electorate 11-6-73)

Sec. 8.09. PUBLIC MONIES.

All public monies, excepting pension funds, shall be deposited in the name of the Town of Melbourne Beach in such qualified public depositories as defined by and designated pursuant to Chapter 280, Florida Statutes, funds, investments, or accounts as designated by the Town Commission; provided, that all public monies shall be deposited or invested in a manner not inconsistent with Florida law. All public monies shall be disbursed in such a manner so that a written record shall be created and maintained pursuant to standards adopted by the State of Florida Auditor General (or said Auditor's designated successor as provided by law), and if no standards shall have been adopted by the Auditor General, then said written records of disbursement shall be created and maintained pursuant to generally accepted accounting standards as recommended by the Town's auditors and adopted by the Town. Any person performing any duties in which he collects, receives, or handles any public monies must qualify under a blanket bond.

(Adopted by electorate 11-6-73; Amendment adopted by electorate 11-2-04; Amendment adopted by electorate 11-3-09)

Town Commission Meeting

Section: New Business

Meeting Date: Feb 21st 2023

From: Vice Mayor Sherri Quarrie

RE: Riverside Dr Traffic Control Concerns

Background Information: June 2023 Two stop signs were installed on Riverside Dr. Residents concerned regarding necessity of action taken by Town Staff.

Data retrieved from Police monthly reports and speed trailer reports shows clear pattern of traffic speeds and counts Riverside Dr. Trailer setting is 30MPH.

Before stop signs installed:

April 12-19th 40,551 vehicles were counted with 21% driving 40mph and above

April 21-27th 39,333 vehicles were counted with 16% driving 40mph and above

June 8-14th 12,868 vehicles were counted with 45% driving 40 mph and above.

June 16-25 12,412 vehicles were counted with 54% driving 40 mph and above.

June 27- July 02 8,1161 vehicles were counted with 13% driving 40 mph and above.

After stop signs installed:

July 19-24th 7,427 vehicles counted with 1% driving over 40mph and above

July 24-28 7,508 vehicles counted with 1% driving over 40mph and above.

July 29-Aug01 6,487 vehicles counted with 1% driving over 40mph and above

Recommendation: 2023 Florida Statute XXIII Chapter 316.008 (1) (f) gives the Town (Traffic Engineer) the right to designate any intersection as a stop or yield intersection.

Chapter 30 of our Traffic code allows the Town to appoint a Traffic Engineer. Traffic Engineer duties have always been performed by the Police Chief of the Town in the past. The Chief of Police contract needs to reflect this.

The data from the Trailer's shows that the signs were effective in reducing the issue. The decision to use them was legal. The increase in traffic going thru our Town has greatly increased.

Attachments: Traffic Enforcement and Traffic Stops counts 2022, 2023. Trailer count print outs for Riverside Dr. 2023 Motor Vehicles statute chapter 316 and

RIVERSIDE DR

Trailer Reports	vehicles a day	Total	days	30 MPH setting % over limit	30MPH setting cars 10 over limit
April 13-19	3920	40,551	8	21%	8340
April 21-27	4370	39,333	9	16%	5988
June 8-14	1169	12,868	11	45%	5711
June 16-25	1128	12,412	11	54%	6601
June 27-July-02	1162	8,161	7	13%	1037
July 19-24	1485	7,427	5	1%	46
July 24-28	1501	7,508	5	1%	48
July 29-Aug 01	648	6,487	10	1%	38

All within Town Limits

Traffic Enforcement	Jan - May	June-Dec	Year
2021	532	975	1507
2022	474	926	1400
2023	772	854	1626

Traffic Stop			
2021	611	1091	1702
2022	507	756	1263
2023	667	928	1595



Melbourne Beach Police Department

Monthly Report

June 2023



Operations:

In June 2023, The Department responded to 1213 calls for service and 267 house checks.

Activity:

- 25 Citations / 34 Written Warnings
- 93 Traffic Stops
- 113 Traffic Enforcement
- 3 Traffic Complaint
- 51 Parking Citations

Our radar trailer continues to be placed in various locations throughout the Town.

PD News

- The Police Department has lost and found miscellaneous items that have been brought into the department, for example, keys, sunglasses, and children's toys. These items were found at our beach accesses and Rychman Park. If you believe you may have lost things, come to the Police Department during business hours Monday – Friday, 8 am to 5 pm.
- We are continuing our beach patrol, on the weekends through the end of August. The Melbourne Beach Officers will patrol our beach, the accesses, and the parks to remind beachgoers of Rip Currents and any parking concerns.
- Movie in the Park was held inside the MBVFD due to rain. Thank you again Chief Brown for modifying the bays for this event.
- Officer Sullivan will attend SRO training next month at Eastern Florida State College.

Stops Signs on Riverside at Avenue A and Sunset:

I have received emails and phone calls from residents complaining about vehicles speeding and passing on Riverside Drive between Andrews and Avenue A. I have also witnessed a car passing another in that area. As a result, I have directed my officers to concentrate on that area for violations. Additionally, we posted the F.S.S. for Passing in a no-passing zone on the message board for several weeks, along with a fine amount.

I had the Stalker speed trailer set up at the intersection of Riverside Drive and Avenue A from June 6, 2023, thru July 3, 2023, to collect data on speed, vehicle count, and average speed in that area.

Here is the statistical traffic analysis that was taken by our Stalker portable speed trailer.

The posted speed on Riverside Drive is 25 mph

Avenue A and Riverside: Start 6/7/2023 8:07 am - Stop 6/15/2023 11:11 am

Total vehicles: 12,868

Average speed: 29.6 mph

Average speed 10 mph over the limit: 35.4pmh 623 cars

Under limit: 7157 cars

Max speed: 69 mph (possible sprinkler)

Avenue A and Riverside: Start 6/15/2023 11:15 am – Stop 6/26/2023 7:29 am

Total vehicles: 12,412

Average speed 10 mph over the limit: 29.1 399 cars

Under limit: 5811 cars 46%

Over limit: 6601 cars 54%

Max speed: 75 mph (possible sprinkler)

Avenue A and Riverside: Start 6/26/2023 7:33 am – Stop 7/3/2023 8:38 am

Total vehicles: 8,161

Average speed 10 mph over the limit: 34.1 89 cars

Under limit: 7124 cars 87%

Over limit: 1037 cars 13%

Max speed: 68 mph (possible sprinkler)

Note: Directed Traffic Enforcement (MBPD Officers) Traffic stops, Warnings, and Citations from 6/7/2023 – 7/6/2023 in this area.

15 Traffic stops on Riverside Drive

4 Citations

3 Written Warnings

8 Verbal warnings

20 Directed patrols

July 19, 2023

Mayor Wyatt Hoover and Town Commissioners
Town Hall
507 Ocean Avenue
Melbourne Beach, FL 32951

Dear Mayor Hoover,

I'm [REDACTED] resident of [REDACTED] Andrews Drive Melbourne Beach. Due to a prior commitment, I won't be able to attend the Town Commission meeting on July 19, 2023. Hopefully, this letter can be submitted for the record as part of the July 19, 2023 Town Commission meeting.

I want thank you, the Town Commissioners and Town staff for doing an outstanding job for our residents of Melbourne Beach (MB). We appreciate the work it takes to make MB run well, particularly over the last couple of years.

I applaud the Town's efforts in slowing down the vehicle speed on Riverside Drive between Andrews Dr. and Ocean Ave. A number of cars and trucks pick up speed on Riverside Drive at this location possibly due to the straight road conditions and a more-wide open area. I walk our dog in the morning and night along this section of Riverside Drive and have seen several cars passing other cars while speeding. I've also observed a number of cars and pickup trucks driving at high speeds. I support the use of stop signs to slow down this traffic problem.

Again, thank you for your work and commitment.

Sincerely,



[REDACTED]
[REDACTED] Andrews Drive
Melbourne Beach, FL 32951

[REDACTED]
[REDACTED]

Melbourne Beach Town Manager

From: ~~Ava Cronin~~ <avacronin1@gmail.com>
Sent: Saturday, January 20, 2024 11:38 PM
To: Melbourne Beach Town Manager
Subject: Stop signs

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

This email is to show my support of the decision of the town to put up stop signs on Riverside Drive. As a 27 year resident of Melbourne Beach, I can tell you that people do not respect the speed limit, creating danger for bikers, pedestrians and children. I was happy to see that the town took the matter seriously and installed the stop signs. Once, I was driving down Riverside and a motorist passed me and gave me the finger for going the speed limit!

Thank you for your concern for our town.

Sincerely,

~~Ava Cronin~~

630 Riverside Dr

Melbourne Beach Town Manager

From: ~~tony@~~@aol.com
Sent: Saturday, January 20, 2024 5:28 PM
To: Melbourne Beach Town Manager
Subject: Road signs

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mascaro,

I am very much in favor of the new stop signs on Riverside Drive. They have slowed the traffic down considerably and it is nice to know that the town council appreciated the residential aspect of our neighborhood. Riverside should not be a shortcut around AIA. Thank you so much.

I would recommend placing a stop sign at Hibiscus Trail and Palm as well.

These signs will improve the safety of our neighborhoods and prevent "cruising" and traffic.

Thank you for your consideration.

~~Tony@~~

~~20~~ Riverside Drive

Melbourne Beach Town Manager

From: ~~Chady Korn~~@gmail.com>
Sent: Sunday, January 21, 2024 9:01 AM
To: Melbourne Beach Town Manager
Subject: stop signs Riverside Drive

Follow Up Flag: Follow up
Flag Status: Flagged

Mrs. Mascaro
Town Manager
Melbourne Beach

Hello,

Apparently there is a lot of controversy over the newly placed stop signs on Riverside Drive, which has prompted me to send this email.

As we all know, Riverside is notorious for people exceeding the speed limits and dangerously so. Most of the residents have to pull out onto Riverside when leaving their homes, which creates a potentially dangerous situation daily, not to mention those who bicycle or walk along the road as well.

These stop signs help to curb the possibility of any accidents or injuries by forcing those speeding to slow down. Personally, I think there should be more stop signs, given that very few adhere to the speed limit along a very long stretch of roadway.

As a resident and concerned citizen, I fully support the signs and hope they achieve the goal of slowing down those who refuse to obey the speed limit.

~~Chady Korn~~
Atlantic St.

Melbourne Beach Town Manager

From: ~~Roula Orchi <roula.orchi@gmail.com>~~
Sent: Saturday, January 20, 2024 4:51 PM
To: Melbourne Beach Town Manager
Subject: Riverside Drive stop signs

Follow Up Flag: Follow up
Flag Status: Flagged

Mrs Mascaro
Town Manager
Town Of Melbourne Beach

I'm sending this email to let you know that I am very happy with the two stop signs on Riverside Drive. I realize it has been a very contentious issue but, I have talked to my neighbors and all I have talked to seems to really be happy. I have talked to my neighbors on Riverside Circle and also to the homes directly across from Riverside Circle on the river. I live at ~~401~~ Riverside Dr. and my name is ~~Roula Orchi~~.

Select Year:

The 2023 Florida Statutes

Title XXIII

MOTOR VEHICLES

Chapter 316

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)**316.008 Powers of local authorities.—**

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

- (a) Regulating or prohibiting stopping, standing, or parking.
 - (b) Regulating traffic by means of police officers or official traffic control devices.
 - (c) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within their boundaries.
 - (d) Designating particular highways or roadways for use by traffic moving in one direction.
 - (e) Establishing speed limits for vehicles in public parks.
 - (f) Designating any street as a through street or designating any intersection as a stop or yield intersection.
 - (g) Restricting the use of streets.
 - (h) Regulating the operation of bicycles.
 - (i) Regulating or prohibiting the turning of vehicles or specified types of vehicles.
 - (j) Altering or establishing speed limits within the provisions of this chapter.
 - (k) Requiring written crash reports.
 - (l) Designating no-passing zones.
 - (m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic.
 - (n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.
 - (o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation.
 - (p) Designating and regulating traffic on play streets.
 - (q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk.
 - (r) Regulating pedestrian crossings at unmarked crosswalks.
 - (s) Regulating persons upon skates, coasters, and other toy vehicles.
 - (t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
 - (u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.
 - (v) Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of this chapter and chapter 318.
 - (w) Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties and providing for the construction and maintenance of such streets and highways.
- (2) The municipality, through its duly authorized officers, shall have nonexclusive jurisdiction over the

operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices and mobile carriers.

2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network created under s. 339.81 or components of the Florida Greenways and Trails System created under chapter 260.

(8)(a) A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction under s. 316.0083. Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

→ (c) Pursuant to s. 316.0083, a county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.

(9)(a) A county or municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to s. 316.1895:

1. Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;
2. Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;
3. During the entirety of a regularly scheduled school session; and
4. Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session

through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation. A school zone's compliance with s. 316.1895 creates a rebuttable presumption that the school zone is properly maintained.

(b) A county or municipality may place or install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in s. 316.1895 to enforce unlawful speed violations, as specified in s. 316.1895(10) or s. 316.183, on that roadway.

(c) A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to this subsection.

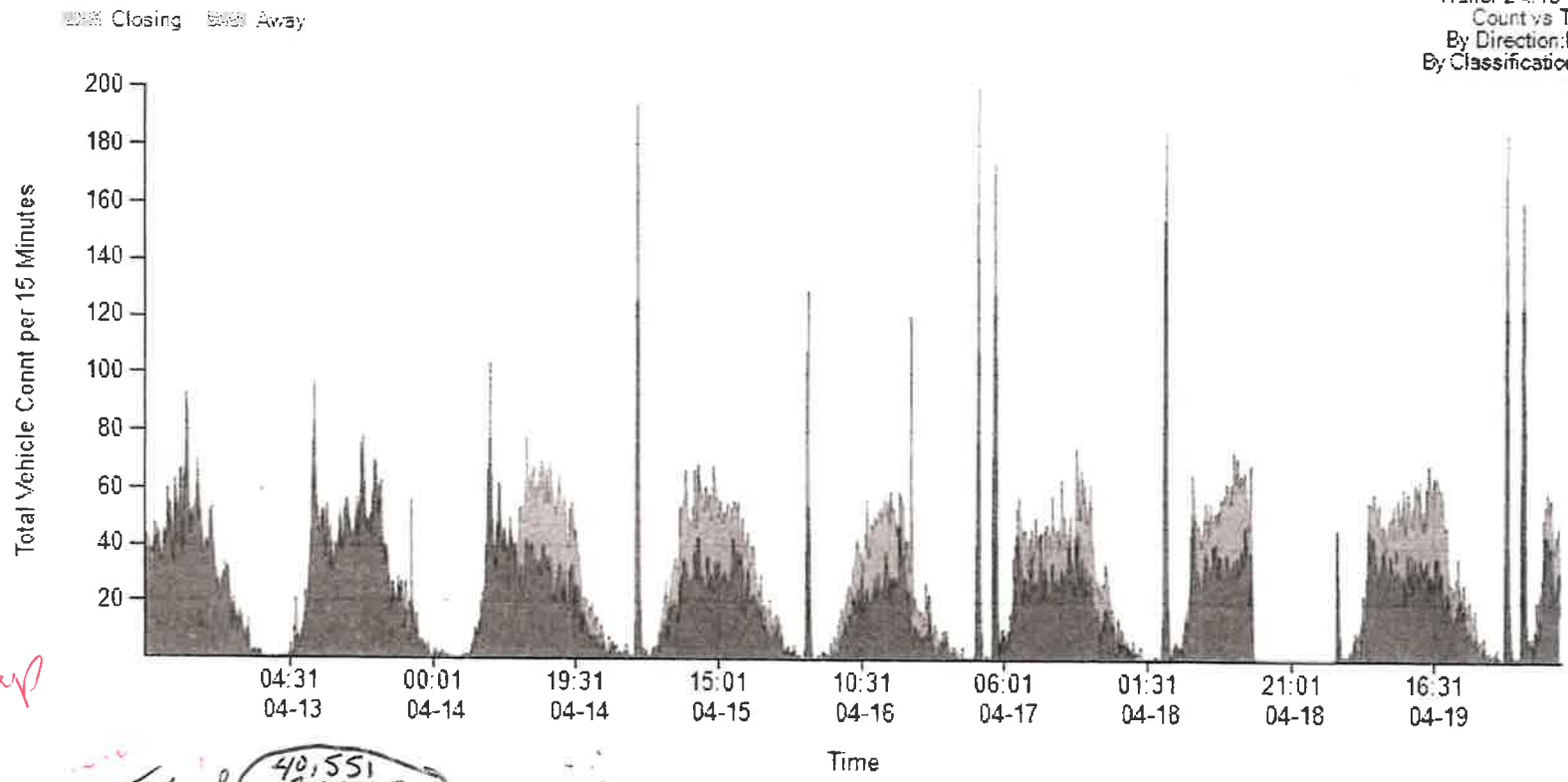
History.—s. 1, ch. 71-135; s. 3, ch. 71-982; s. 1, ch. 76-72; s. 2, ch. 83-164; s. 1, ch. 84-234; s. 1, ch. 85-227; s. 1, ch. 85-325; s. 3, ch. 86-154; s. 1, ch. 89-34; s. 25, ch. 90-330; s. 1, ch. 93-30; s. 33, ch. 94-306; s. 1, ch. 96-200; s. 4, ch. 96-350; s. 81, ch. 99-248; s. 4, ch. 2010-80; s. 1, ch. 2010-163; s. 44, ch. 2010-223; s. 16, ch. 2011-4; s. 2, ch. 2017-150; s. 2, ch. 2018-130; s. 3, ch. 2020-69; s. 2, ch. 2023-174.

Riverside + Riverside Circle
Dr

373²³¹

Survey Name	Trailer 2 4/13-4/19	Location	Riverside Dr/ Riverside circle	Speed Unit	Miles/Hour
Start	2023-04-12 09:01	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-04-20 09:55	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1

Trailer 2 4/13-4/19
Count vs Time
By Direction: Both
By Classification: All



8 days

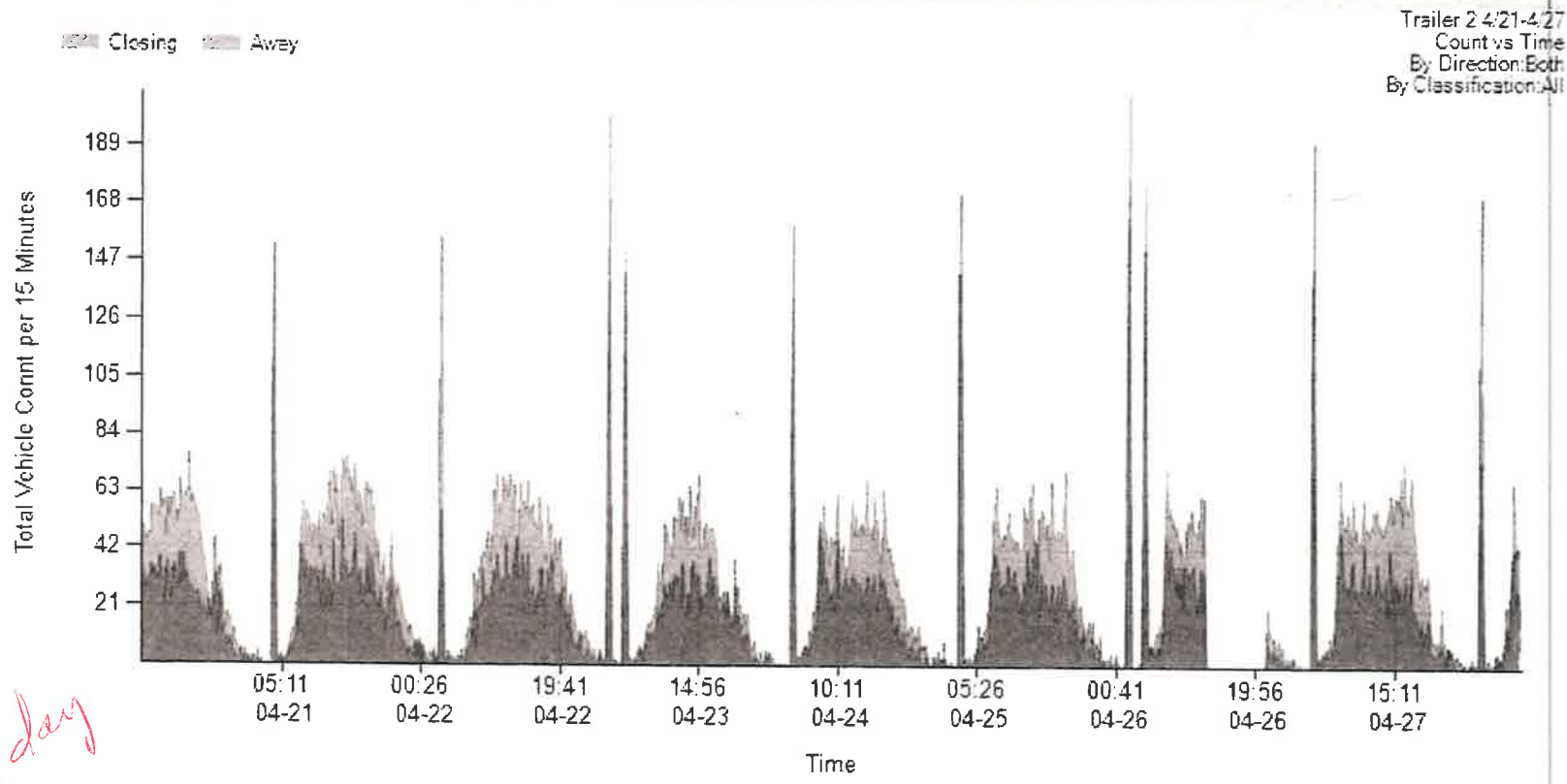
Total 40,551

Under Limit Count	31404	79%	Minimum Speed	5	MPH	10 mph Pace	23 - 32	MPH
Over Limit Count	8340	21%	Maximum Speed	85	MPH	Standard Deviation	4	MPH
10 Over Limit Count	807	2%	85Speed Percentile	32	MPH	Average Speed Over Limit	34	MPH

Riverside Dr +
Riverside Crd

375²³²

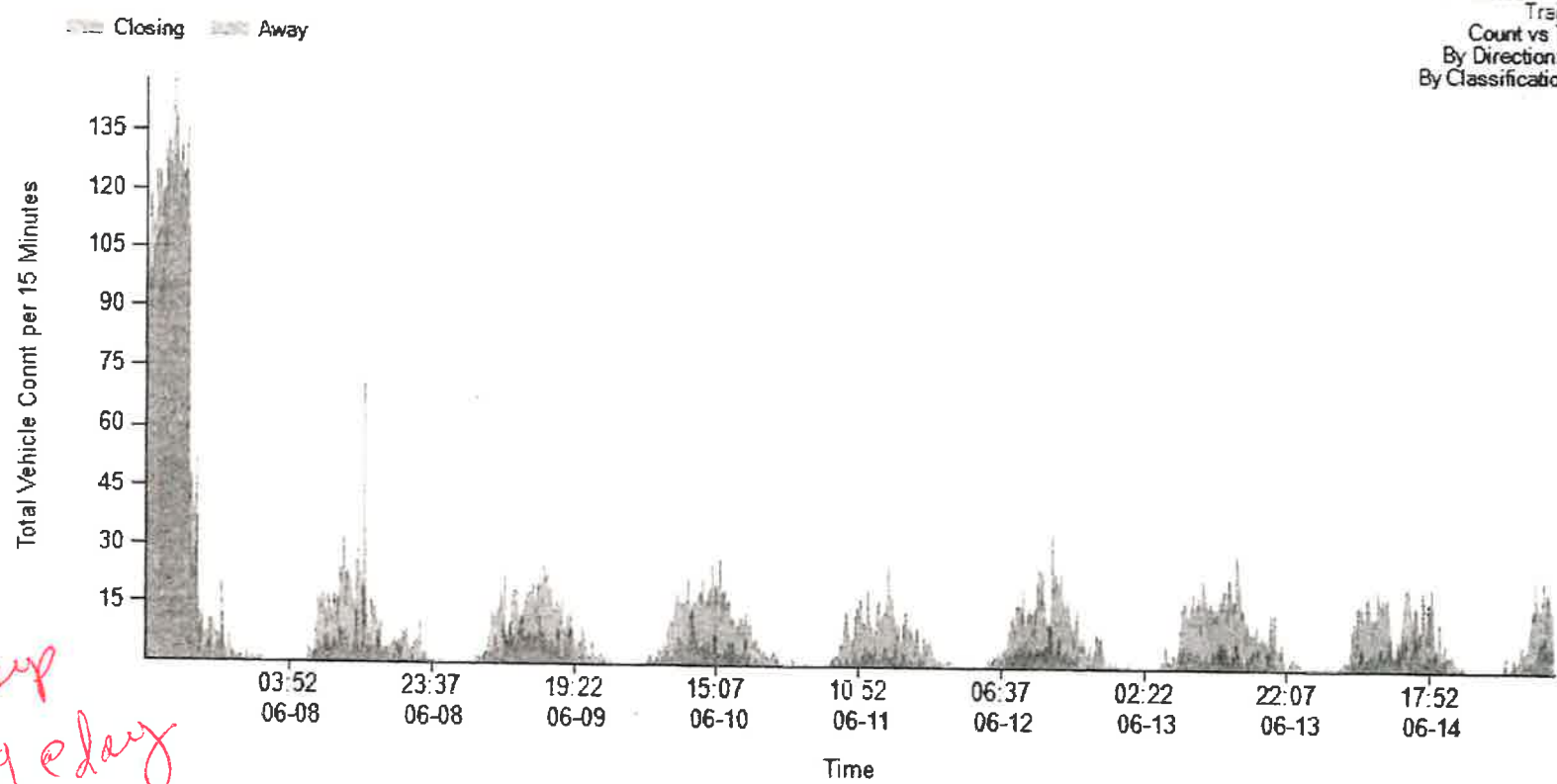
Survey Name	Trailer 2 4/21-4/27	Location	Riverside dr/Riverside Cr. Mel	Speed Unit	Miles/Hour
Start	2023-04-20 09:56	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-04-28 08:47	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



7 days
4370 @ day

Total Vehicle Count	39333	100%	Average Speed	27.1	MPH	In Pace Count	29405	74%
Under Limit Count	33345	84%	Minimum Speed	5	MPH	10 mph Pace	23 - 32	MPH
Over Limit Count	5988	16%	Maximum Speed	82	MPH	Standard Deviation	4	MPH
10 Over Limit Count	1096	2%	85Speed Percentile	31	MPH	Average Speed Over Limit	35.1	MPH

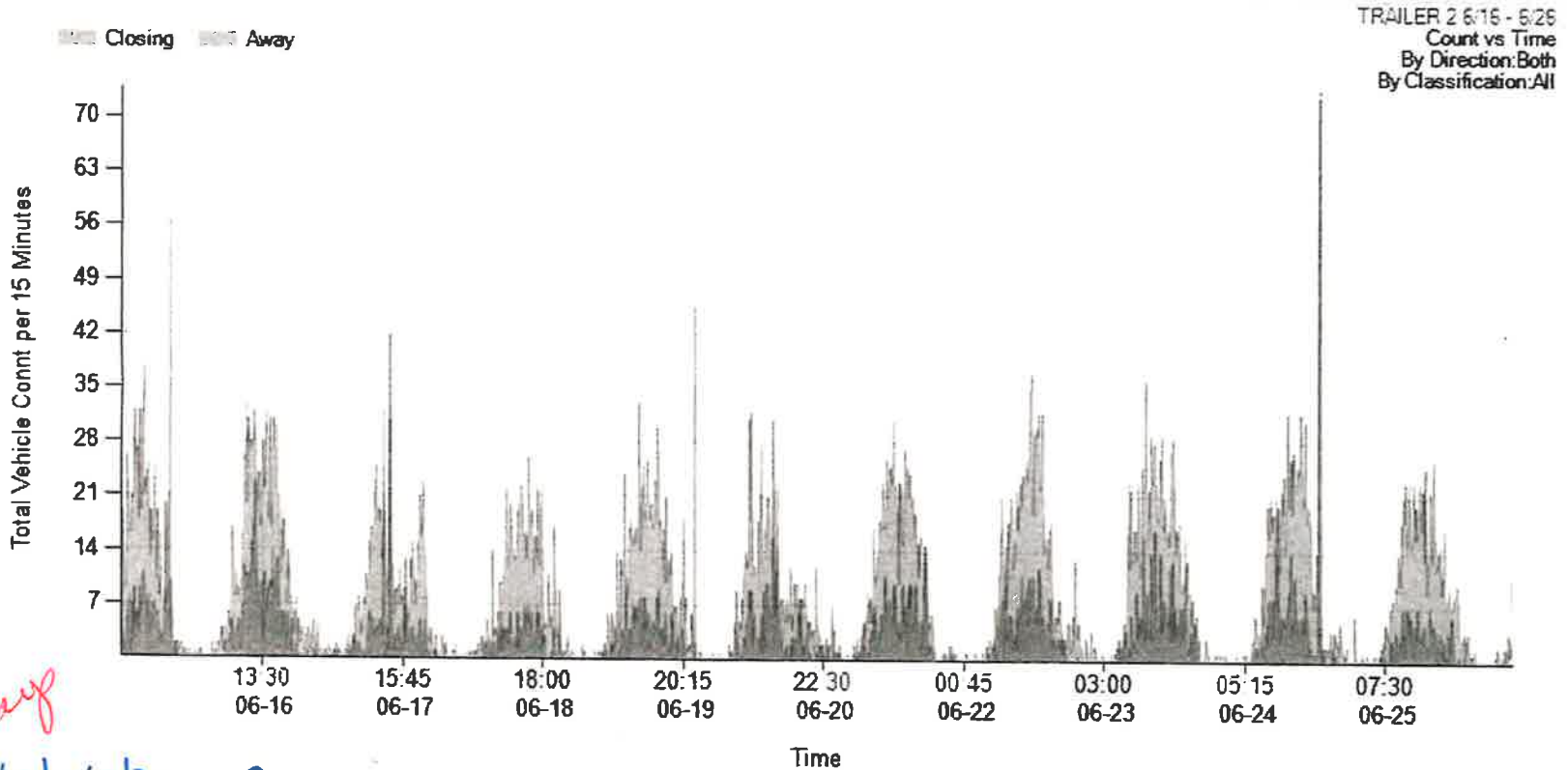
Survey Name	Trailer 2	Location	avenue A/Riverside dr, Melbo...	Speed Unit	Miles/Hour
Start	2023-06-07 08:07	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-06-15 11:11	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



11 days @ 1169 @ day

Total Vehicle Count	12868	100%	Average Speed	29.6	MPH	In Pace Count	6232	48%
Under Limit Count	7157	55%	Minimum Speed	5	MPH	10 mph Pace	25 - 34	MPH
Over Limit Count	5711	45%	Maximum Speed	69	MPH	Standard Deviation	6	MPH
10 Over Limit Count	623	4%	85Speed Percentile	36	MPH	Average Speed Over Limit	35.4	MPH

Survey Name	TRAILER 2 6/16 - 6/26	Location	AVENUE A/ RIVERSIDE DR...	Speed Unit	Miles/Hour
Start	2023-06-15 11:15	Traffic Direction	Undefined	Speed Limit	25
Stop	2023-06-26 07:29	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1

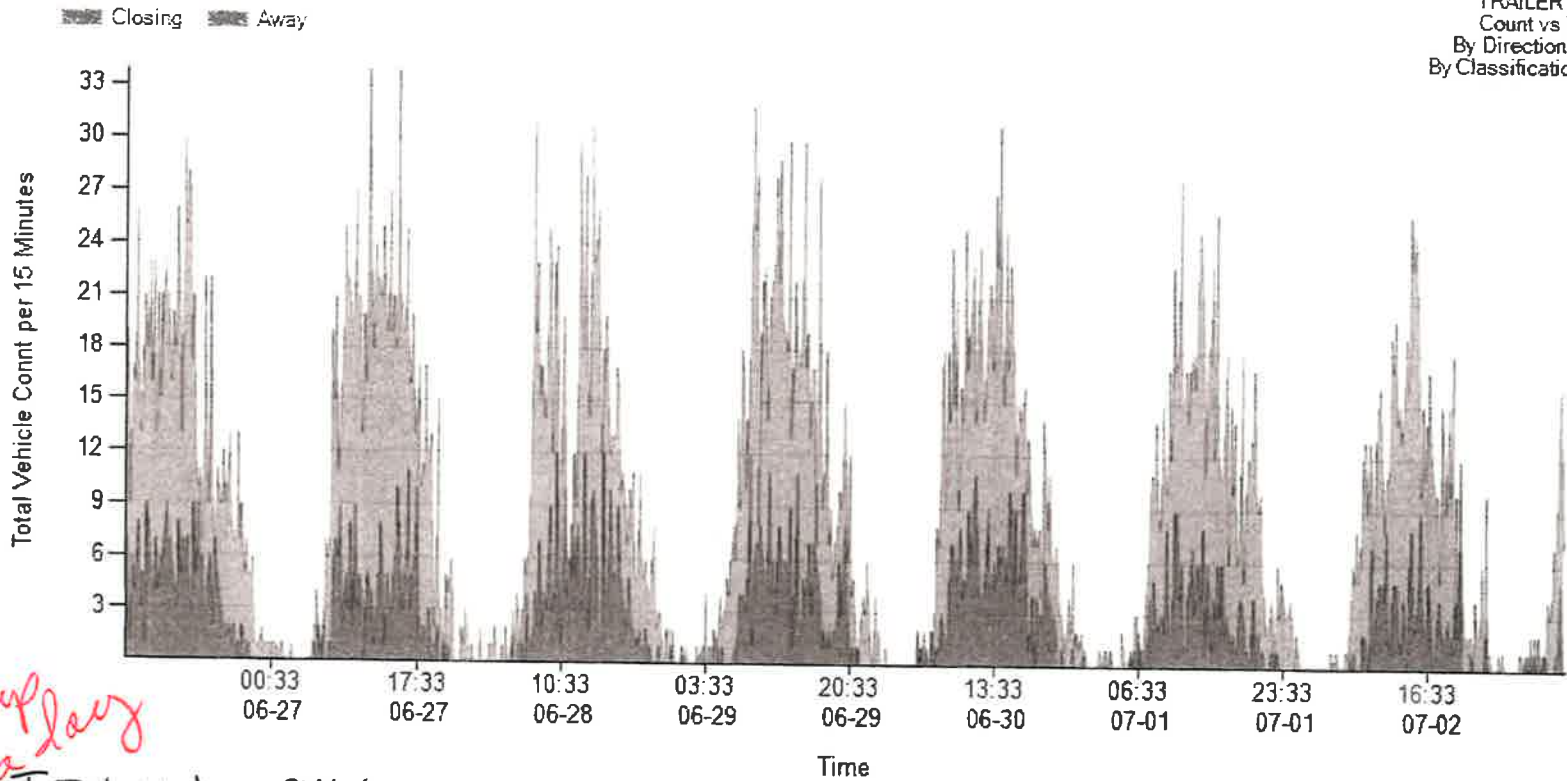


11 days @ 1128 a day

total Veh 12,412

Under Limit Count	5811	46%	Minimum Speed	6	MPH	10 mph Pace	21 - 30	MPH
Over Limit Count	6601	54%	Maximum Speed	75	MPH	Standard Deviation	5	MPH
10 Over Limit Count	399	3%	85Speed Percentile	30	MPH	Average Speed Over Limit	29.1	MPH

Survey Name	TRAILER 2 2.0	Location	RIVERSIDE DR/ AVENUE A...	Speed Unit	Miles/Hour
Start	2023-06-26 07:33	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-07-03 08:38	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



*7 days
1165 a day*

TOTAL Veh 8161

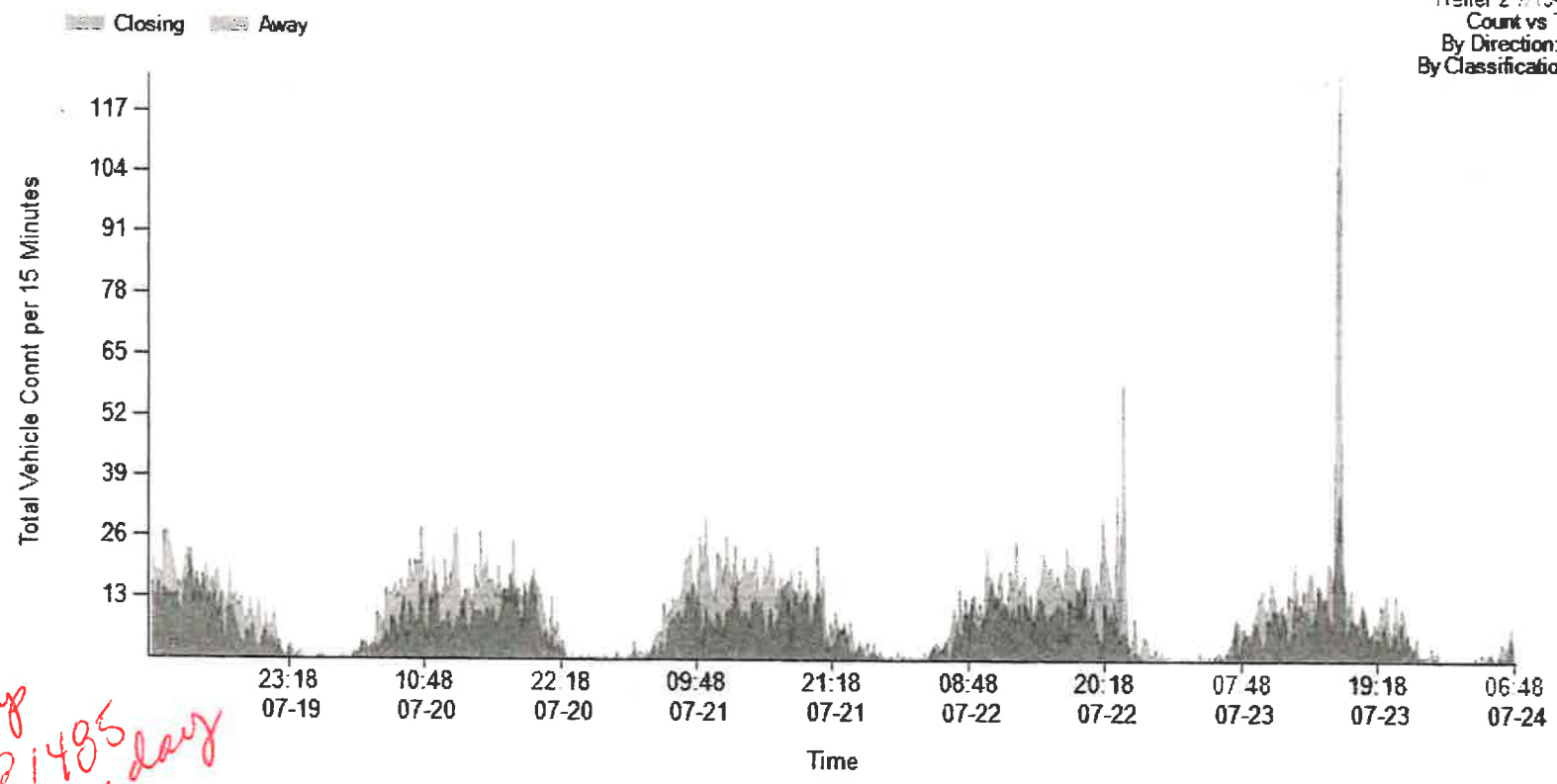
Under Limit Count	7124	87%	Minimum Speed	8	MPH	10 mph Pace	22 - 31	MPH
Over Limit Count	1037	13%	Maximum Speed	68	MPH	Standard Deviation	4	MPH
10 Over Limit Count	89	1%	85Speed Percentile	30	MPH	Average Speed Over Limit	34.1	MPH

Thurs -
Monday —

Survey Name	Trailer 2 7/19-7/24	Location	Riverside dr/ Avenue A 4.0,M...	Speed Unit	Miles/Hour
Start	2023-07-19 11:48	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-07-24 06:49	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1

5 days

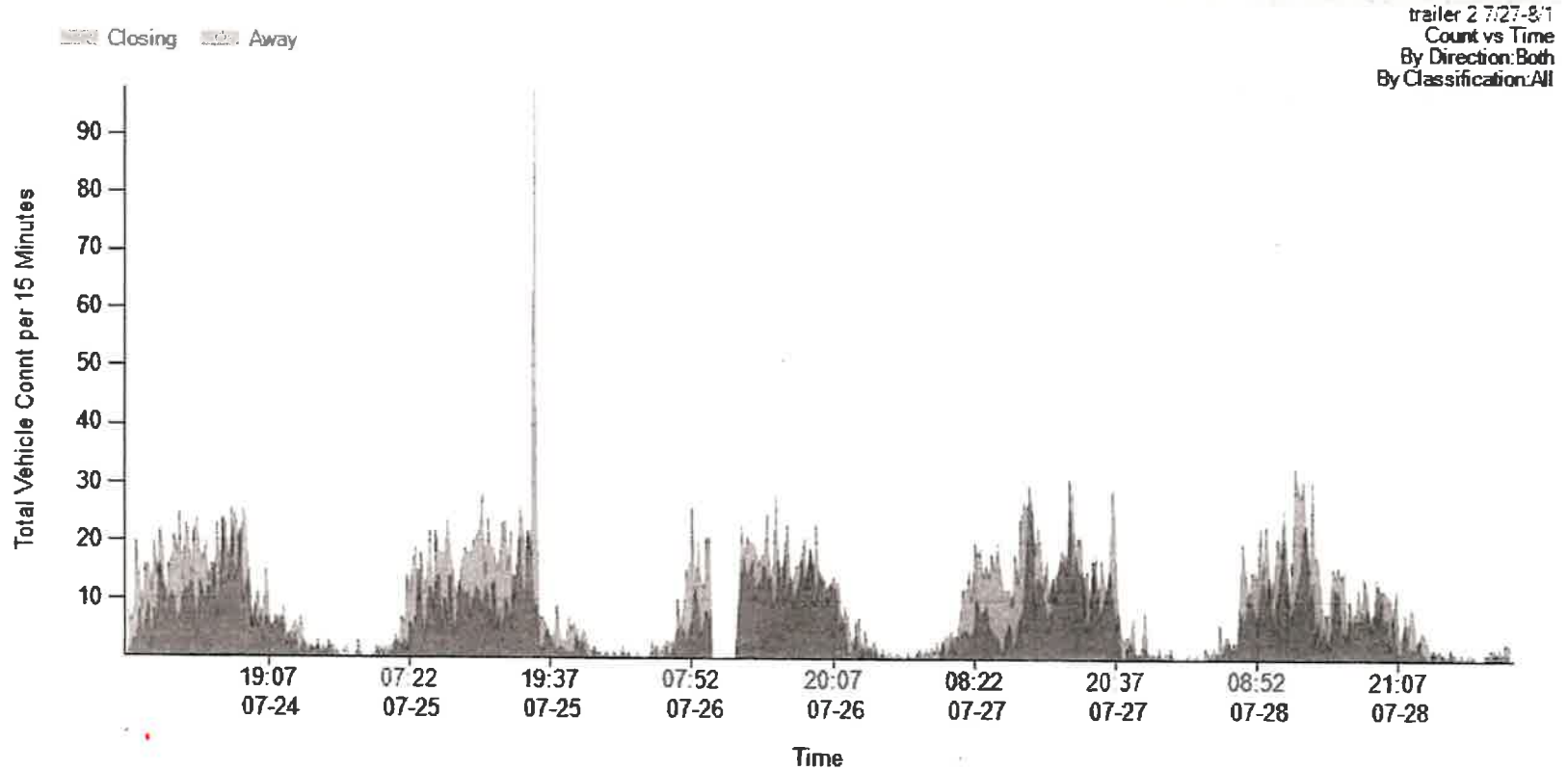
Trailer 2 7/19-7/24
Count vs Time
By Direction: Both
By Classification: All



5 days @ 1495 a day

Total Vehicle Count	7427	100%	Average Speed	17.2	MPH	In Pace Count	3974	53%
Under Limit Count	7381	99%	Minimum Speed	6	MPH	10 mph Pace	13 - 22	MPH
Over Limit Count	46	1%	Maximum Speed	47	MPH	Standard Deviation	5	MPH
10 Over Limit Count	5	0%	85Speed Percentile	23	MPH	Average Speed Over Limit	35.2	MPH

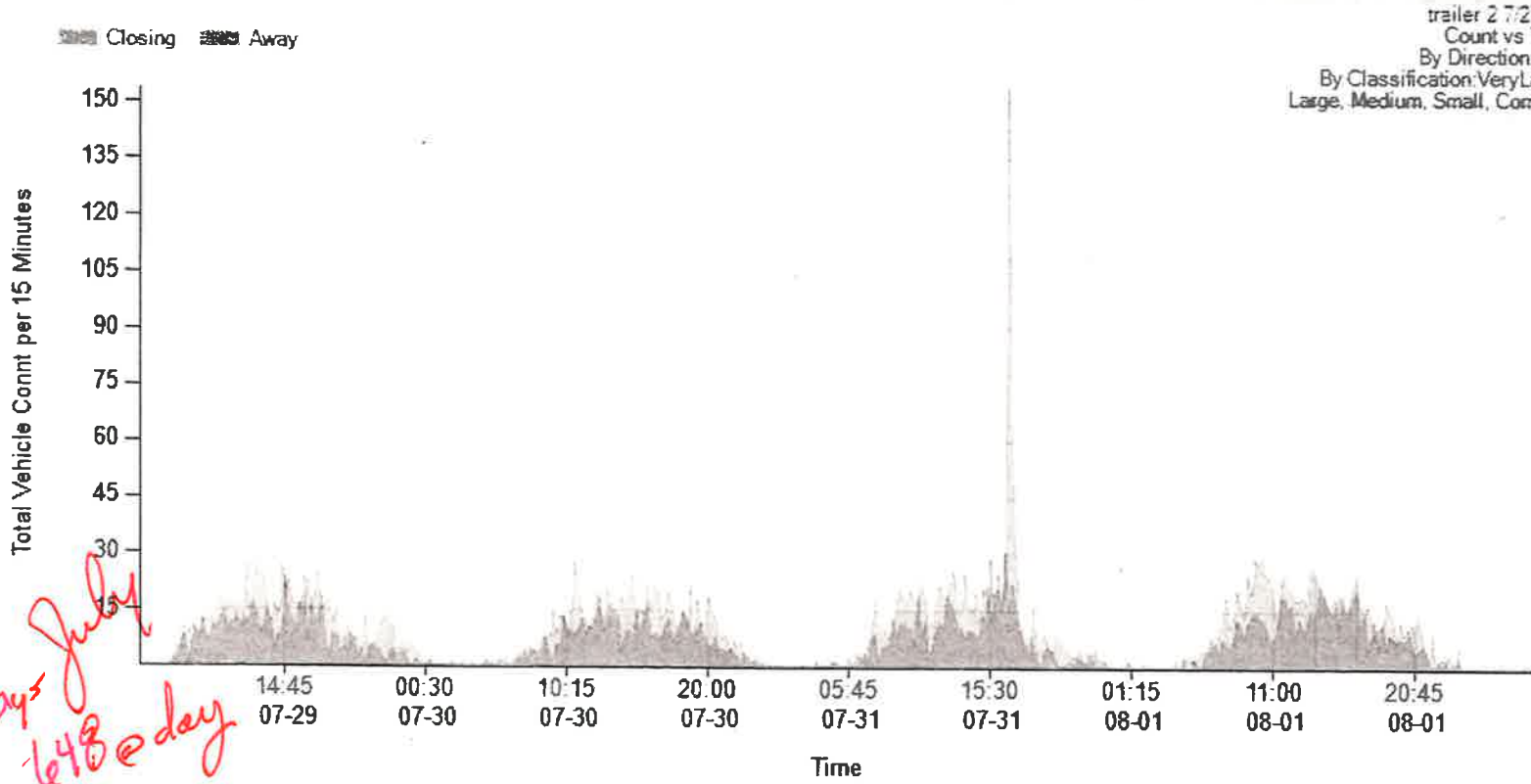
Survey Name	trailer 2 7/27-8/1	Location	avenue a/ riverside dr, Melbou...	Speed Unit	Miles/Hour
Start	2023-07-24 06:52	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-07-29 07:03	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



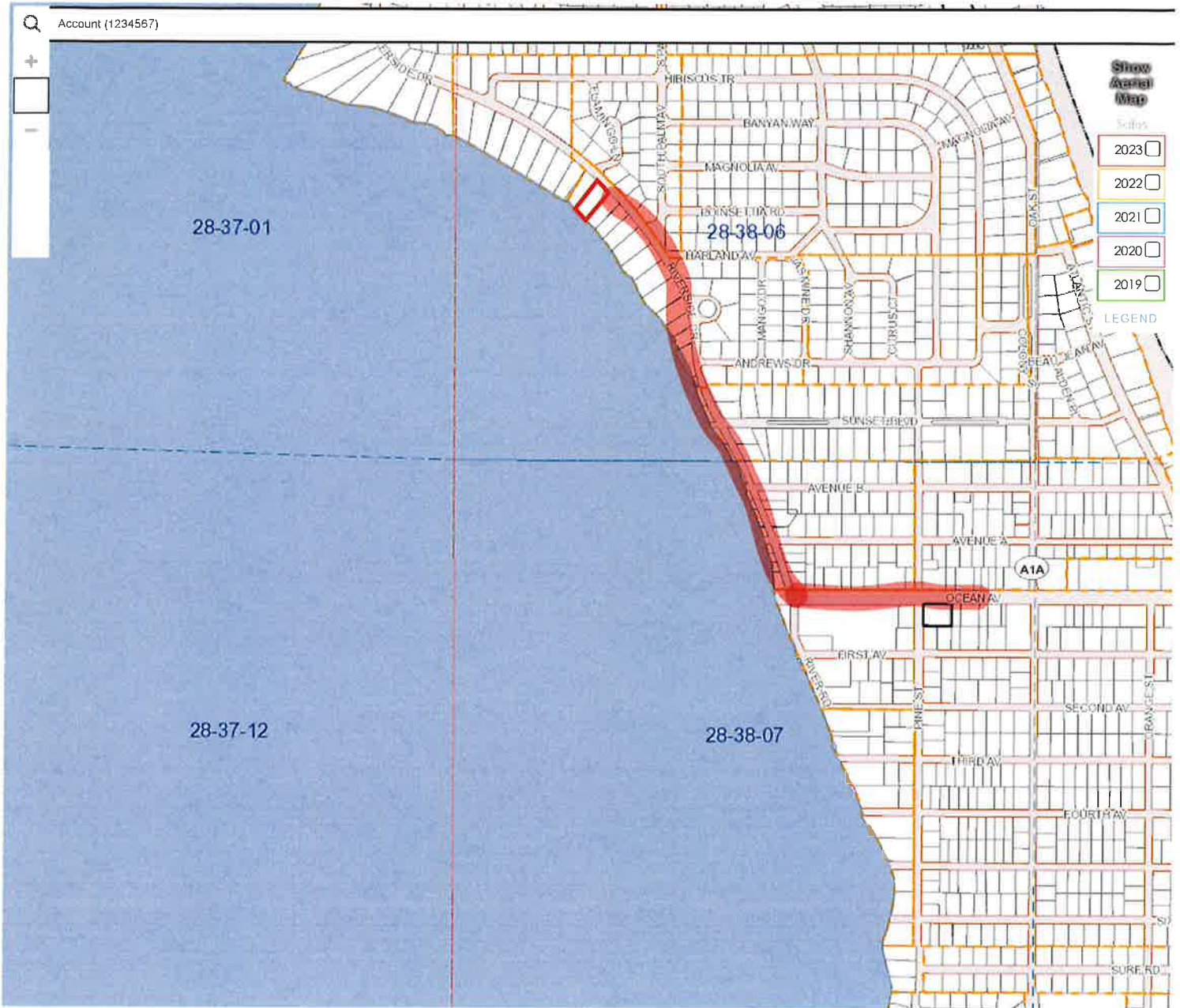
5 days
1501 @ day

Total Vehicle Count	7508	100%	Average Speed	17.4	MPH	In Pace Count	4078	54%
Under Limit Count	7460	99%	Minimum Speed	5	MPH	10 mph Pace	13 - 22	MPH
Over Limit Count	48	1%	Maximum Speed	52	MPH	Standard Deviation	5	MPH
10 Over Limit Count	14	0%	85Speed Percentile	23	MPH	Average Speed Over Limit	36.3	MPH

Survey Name	trailer 2 7/27-8/1	Location	avenue a/ riverside dr, Melbou...	Speed Unit	Miles/Hour
Start	2023-07-29 05:00	Traffic Direction	Undefined	Speed Limit	30
Stop	2023-08-02 05:00	Zone	Normal	Min Speed Threshold	10
Operator		Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1



Total Vehicle Count	6487	100%	Average Speed	17.4	MPH	In Pace Count	3614	55%
Under Limit Count	6449	99%	Minimum Speed	6	MPH	10 mph Pace	13 - 22	MPH
Over Limit Count	38	1%	Maximum Speed	53	MPH	Standard Deviation	5	MPH
10 Over Limit Count	7	0%	85Speed Percentile	23	MPH	Average Speed Over Limit	35.1	MPH



Account: 2847317 Parcel ID: 28-38-06/28-38-07
 Sale: 7/15/2018 \$290,000
 BCPAO Market Value: \$1,179,000
 Owners: WILSON GORDON E, WILSON CARLA L
 Address: 400 VINEY MEADOWS BLVD UNIT 101 BEACH BLVD 32951

[Zoom](#) | [Clear](#) | [Details](#) | [EagleView](#) | [Hide Info](#)
 BCPAO Dana Blickley, CFA, Brevard County Property Appraiser | [Instructions](#) | [Disclaimer](#)

TRAFFIC

New stop signs installed in Melbourne Beach

Speeding, unsafe passing prompt police chief, town manager to find solution

By Chris Bonanno For Hometown News Jul 20, 2023 Updated Jul 20, 2023 0



Two new stop signs have been installed on Riverside Drive at Sunset Boulevard and Avenue A. Speeding and passing in a no-passing zone prompted the need for the signs.

Julian Leek/For Hometown News



Two new stop signs have been installed on Riverside Drive at Sunset Boulevard and Avenue A, according to a post on the Melbourne Beach Police Department.

The intersections where the stop signs were installed will be treated as three-way stops, MBPD says.

“Speeding’s been an issue,” said Melbourne Beach Police Department Chief Melanie Griswold. “Folks have been passing in the no-passing area there because it is a residential street. There’s also been a lot of increased volume in vehicles coming through there.”

The results of a traffic study conducted by the MBPD’s Stalker portable speed trailer at Riverside and Avenue A were shared by Griswold via e-mail with *Hometown News* and the results show how speeding has been a concern.

From 8:07 a.m. on June 7 through 11:11 a.m. on June 15, the MBPD says that 12,868 vehicles traveled through the intersection at an average speed of 29.6 mph. And 623 cars averaged more than 10 mph over the limit.

In the same area from 11:15 a.m. on June 15 to 7:29 a.m. on June 26, there were 12,412 cars that passed through with 399 cars having an average speed over the limit by 10 mph or more. Of note, 6,601 cars, or 54% of them, were driving over the speed limit.

Finally, in a study conducted in the area from 7:33 a.m. on June 26 to 8:38 a.m. on July 3, 8,161 cars passed through the area, with 89 cars having an average speed of more than 10 mph. 1,037 cars, or 13%, were driving over the speed limit.

Griswold stated that she attributed the lower number of vehicles in the last part of the study to there being no school or it being summer break.

There have also been 17 total combined traffic crashes, DUIs and hit-and-run incidents from Dec. 29, 2018 to July 10, 2023, from 400 Riverside Dr. to 519 Ocean Ave. (the road in the area is named Riverside as it progresses north-

south along the river and then becomes Ocean as goes east-west).

The signs were installed on July 6, Griswold said. She added that police have been keeping a close eye on the area recently.

“We’ve been doing that for the last month,” Griswold said. “We’ve stopped a lot of people in a lot of vehicles so far since the stop signs went up. It’s only educating them unless there’s obviously a different violation that comes along with it. But if an officer sees someone goes through the stop sign, we’re going to stop them, educate them and let them know that ‘hey, there are stop signs here.’ ”

Speed limits will remain static in the vicinity, Griswold indicated.

“It’s still 25 mph,” Griswold said. “Nothing’s changed there.”

The hope is that the new stop signs will increase safety for all road users in the area.

“With that speed limit, there’s only so much sidewalk,” Griswold said. “That sidewalk ends at Andrews Drive (just north of Sunset Boulevard). There are residents walking in the morning on the side of the road and they’re actually on the road. They’re jogging with strollers and little ones in the strollers. There’s folks on bicycles and we have golf carts in our community as well. When you increase the traffic, something’s going to end up happening. Again, we’ve had people passing in that area.”

The signs were not implemented unilaterally either, Griswold indicated.

“It wasn’t my sole decision,” Griswold said. “This was not just me willy-nilly deciding that I’m going to put stop signs there. This was a collaborative effort between myself and town manager Elizabeth Mascaro. The town manager may have spoke about it to the Fire Department. We spoke about it to Public Works, and some of the commissioners.

Not only have I seen violations there personally, other residents have seen it. I've received phone calls and complaints about it. I've received a few e-mails."

Griswold suggested an alternate route through town for those who do not wish to utilize Riverside with the changes.

"If it causes people to not use Riverside because there are two stop signs, then we suggest you go back down to Oak Street because the speed limit is 10 mph faster and there's no stop signs," Griswold said. "There's a traffic light because that is a highway. Riverside belongs to the Town of Melbourne Beach and it is a residential area. The stop signs were installed for the safety for our residents or visitors or a child riding their bike on the bike path. I just want to look out for their safety. That's my job and that's what I'm going to continue to do."



(0) COMMENTS

Welcome to the discussion.

Town Commission Meeting

Section: New Business
Meeting Date: February 21, 2024
From: Town Manager, Elizabeth Mascaro
Re: Riverside Drive Stop Sign Survey

Background Information:

The stop sign survey was sent out to the entire Town of Melbourne Beach. The Town is still collecting surveys, so the data will be presented at the Commission Meeting.

Recommendation:

Discuss Riverside Drive stop sign survey data.

Attachments:

None

Town Commission Meeting

Section:

Meeting Date: February 21, 2024

From: Marivi Walker

RE: Request TM obtain traffic study for Riverside Dr calming device options

Background Information: Residents of 32951, not just TOMB 32951, surveyed have stated they would like the stop signs removed along Riverside Dr. I would therefore like a formal/professional traffic study conducted to find alternate traffic calming devices for all Riverside Dr. and potentially Oak St., also. With all the development in the South beaches our small town will become even more of a pass through over the years by drivers who do not value our town, our families, and the fact that we want to keep this a safe community. More children have moved into our neighborhoods lately and I would like to be proactive to provide them safe streets where people obey the speed limits.

Recommendation: Request TM contact appropriate vendors to provide such study.

Attachments:

FEBRUARY 2024 TASK LIST

ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Sixth Ave boat ramp improvements	8/17/2022	2/7/2024		Commissioner Runte	Town Manager/ PW Director
DATE	DIRECTION/NOTES				
8/16/2023	At the workshop next week.				
7/19/2023	Mayor – Neighboring property put in a taller dock that is getting destroyed, so if the Town put in a small dock it would not last long				
6/28/2023	Look into grant opportunities				
3/15/2023	Put on the Town Commission Workshop				
2/15/2023	Tom Davis- met with Bowman Engineering at Sixth Ave boat ramp to get them to draw something up				
1/18/2023	Tom Davis – installed the geogrid and painted the wall, considering installing a kayak rack Commissioner Corey Runte – come up with future vision plans and get concept drawings/proposals to beautify it and address parking				
11/16/2022	Joyce Barton – Spoke about possible grant options Corey Runte – Research funding options Mayor Hoover – Start with fixing the seawall				
9/21/2022	Discussed under new business agenda item D.				
8/17/2022	Research what the exact issue is with parking that prevents the Town from getting grant money				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Lifeguard coverage	3/15/2023	3/20/2024		Wyatt Hoover	
DATE	DIRECTION/NOTES				
9/21/2023	Fire Chief – Presented the different options and costs. Continue with BCOR for the next fiscal year then reassess.				
7/12/2023	Create a staffing plan, budget, equipment list, and all other details to bring a lifeguard program in-house. What would Ocean Park parking fees need to increase to in order to cover the cost.				
6/28/2023	Town Manager – Met with County Manager, waiting on the County Commission.				

FEBRUARY 2024 TASK LIST

	Corey Runte – Asked to look into the cost of having our own lifeguard program.
5/17/2023	Town Manager – Fire Chief Gavin Brown is the liaison for this. Right now the Brevard County Commission is looking into it
3/15/2023	Added to Action Items – Fact finding related to funding from other municipalities, open a dialogue with Indialantic, reach out to US Lifesaving Association and Florida Beach Patrol to see what other heavy-traffic beaches are doing, make sure flag signs are up to date, options and costs to get a lifeguard at our beach year round.