



# **TOWN OF MELBOURNE BEACH**

## **REGULAR TOWN COMMISSION MEETING**

**JANUARY 15, 2025**

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# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING Wednesday, January 15 2025 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, January 15, 2025 in the Community Center  
to address the items below**

**Commission Members:**

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

**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 December 18, 2024
  - B. Approval of the Town Commission Workshop minutes December 16, 2024
  - C. Reappointment of Mary Gene Gold as a board member on the History Center Board
  - D. Approval of the Town Board Volunteer Application for Carol Crispen
  - E. Approval of the Town Board Volunteer Application for Ben Hammet
6. **Proclamations/Presentations/Awards**
7. **Finance/Budget Report**
8. **Department and Board/Committee Reports**
  - A. Building Department
  - B. Public Works Department
  - C. Code Enforcement
  - D. Fire Department
  - E. Police Department
  - F. 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**
  - A. Approval of the Regular Town Commission Meeting minutes November 20, 2024
  - B. Ordinance 2024-05 Chapter 74 Vacation Rentals – First reading

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 74, “VACATION RENTALS”; AMENDING REGISTRATION REQUIREMENTS; PROVIDING ADVERTISING REQUIREMENTS FOR VACATION RENTALS; AMENDING PARKING REQUIREMENTS TO LIMIT AMOUNT OF VEHICLES AT VACATION RENTALS AND ADVERTISING REQUIREMENTS; AMENDING MAXIMUM OCCUPANCY CAPACITY AND ADVERTISING REQUIREMENTS; PROVIDING FOR BACKGROUND CHECKS OF OCCUPANTS OVER EIGHTEEN YEARS OLD; PROVIDING FOR NOISE REGULATIONS AND PENALTIES; PROVIDING FOR REGISTRATION SUSPENSION; PROVIDING FOR CONFLICTS;**



**PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- C. Ordinance 2024-06 Chapter 48 Noise Control – First reading  
**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 48, “NOISE CONTROL,” RELATING TO NOISE REGULATIONS; AMENDING REGULATIONS, DEFINITIONS, AND TESTING PROTOCOLS RELATED TO NOISE RESTRICTIONS; PROVIDING MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SPECIAL PERMITS AND LICENSE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**
- D. Consideration on contracts for vacation rental tracking companies – Town Manager Elizabeth Mascaro

**12. New Business**

- A. Consideration of adoption of Interlocal agreement between the City of Indian Harbour Beach and the Town of Melbourne Beach regarding automatic aid for fire protection and rescue services – Fire Chief Gavin Brown
- B. Discussion on adopting a resolution supporting the 2025 Florida League of Cities Legislative Platform – Mayor Alison Dennington
- C. Consideration to amend Resolution 2023-10 Town Commission Rules and Procedures – Commissioner Anna Butler
- D. Discussion and recommendations on the proposed task list – Vice Mayor Dawn Barlow

**13. Administrative Reports**

- A. Town Attorney
- B. Town Manager

**14. Commission Reports**

**15. Task List**

**16. Public Comment**

**17. Adjournment**

## Town Commission Meeting

**Section:** Consent Agenda

**Meeting Date:** January 15, 2025

**From:** Town Clerk Amber Brown

**RE:** Approval of the Regular Town Commission Meeting minutes  
December 18, 2024

### Background Information:

On December 23, 2024 the draft minutes for the December 18, 2024 Regular Town Commission Meeting were emailed to the Town Commission.

Commissioner Tim Reed requested two amendments which are underlined and in red.

### Recommendation:

Approve the December 18, 2024 Regular Town Commission Meeting minutes as presented.

### Attachments:

December 18, 2024 Regular Town Commission Meeting minutes

# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING December 18, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

### MINUTES

#### **Commission Members:**

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

#### **Staff Members:**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
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 Dawn Barlow  
Commissioner Anna Butler  
Commissioner Tim Reed

#### **Commission Members Absent**

Commissioner Robert Baldwin

#### **Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Police Chief Tim Zander  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Finance Manager Jennifer Kerr  
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 - 1:30

Mayor Alison Dennington said she provided documents to the other Commissioners. There was an update related to stormwater and the engineer. She mentioned that the Building Official would have discussion on that, but that's not reflected on the agenda.

Vice Mayor Dawn Barlow said that under Unfinished Business we have B and C as place holders for the first reading for STRs and noise control, and said those were going to be moved to the January meeting, so they should be removed from tonight's agenda.

**Vice Mayor Dawn Barlow made a motion to remove B and C under Unfinished Business from tonight's agenda; Commissioner Anna Butler seconded; Motion carried 4-0.**

Mayor Alison Dennington said they wanted to give the Town Attorney time after the workshop to make the changes they had discussed, that's why they moved those items to January. Also mentioned she had met with the Finance Manager and added some information to the packet about that as well.

#### 5. Consent Agenda – 7:50

- A. Approval of the Regular Town Commission Meeting minutes November 20, 2024
- B. Reappointment of Leslie Maloney as a board member on the Environmental Advisory Board
- C. Reappointment of Bruce Morgan as a board member on the History Center Board
- D. Reappointment of Crystal Cain as a board member on the History Center Board

Mayor Alison Dennington pulled Consent Agenda Item A.

**Vice Mayor Dawn Barlow made a motion that we approve items B, C, and D on the Consent Agenda; Commissioner Tim Reed seconded; Motion carried 4-0.**

Commissioner Tim Reed thanked the individuals from the boards for coming back and continuing to serve and donate their time. Vice Mayor Dawn Barlow and Mayor Alison Dennington thanked them as well.

#### 6. Proclamations/Presentations/Awards

#### 7. Finance/Budget Report – 9:40

Finance Manager Jennifer Kerr said the budget memo has changed, items here are line items that have gone over and reasons why they went over for the month of November.

Commissioner Anna Butler met with Finance Manager Jennifer Kerr and said the explanation was very helpful.

Vice Mayor Dawn Barlow also met with the Finance Manager around hurricane reimbursement, approximately \$43,500 has been submitted for reimbursement. Also, she was told that it could take anywhere from 12-24 months to receive the reimbursement.

Finance Manager Jennifer Kerr said that reimbursement was for the debris removal when the Waste Pro trucks went around and picked up yard debris. That has been submitted and approved, but the Town has not received the money yet.

Commissioner Tim Reed received confirmation that the reimbursement is through FEMA.

Vice Mayor Dawn Barlow wanted to clarify that the Building Officials salary shifted line items, when the Building Official had initially stepped away, the Town was going to have to engage with professional services, for November it was shifting from one item to another, but going forward that should be corrected.

Mayor Alison Dennington suggested budgeting for hurricanes going forward so they don't hit various departments. Mentioned that in the Town planning, we voted to have the Town Attorney and Planning Official look into the issue of height, said this has been approved but hasn't happened, so we need to work on it.

Town Manager Elizabeth Mascaro said it's in process. We will be billed for it, but we don't always get billed monthly.

Mayor Alison Dennington confirmed that waste tax services were property taxes. Asked about the hurricane pay for the Building Official. EMS, Fire and Police services are eligible for refunds when there are hurricanes, does his cost not get reimbursed if he does not fall under those categories?

Fire Chief Gavin Brown said the Building Official was in charge of damage assessments, he's the subject matter expert for that. Said it is important to have him helping to get it done as quickly as possible.

Finance Manager Jennifer Kerr said she submits everything for reimbursement and that would include the costs related to the Building Official. Sometimes they say we are paying you 75% of your requested amount, they don't list out what things are not being paid for.

Mayor Alison Dennington asked for an explanation of what the health insurance for the building fund went over meant. -19:30

Finance Manager Jennifer Kerr said when the Building Official put in his resignation and the budget was completed, the amount to hire a Building Official was put into the line item of Professional Services, when he rescinded the resignation, it went back to Salary because he is an employee. For fiscal year 2024, we went over the salary for the Building Official because he maxed out his vacation hours (paid him out on 40 hours).

Town Manager Elizabeth Mascaro said he was paid out because having a Building Official is a state requirement so he could not take vacation. Also, the Building Department's function is not to be a profit center, it is supposed to be a breakeven center at best.

Mayor Alison Dennington asked about budgeting \$4,000 for Christmas decorations but it was in 3 different places. Is that \$4,000 total or \$12,000 total.

Finance Manager Jennifer Kerr said each place money is mentioned is that amount of money so two places mentioned \$4,000 and one mentioned around \$1,500 so it would be a total of roughly \$9,500. This year it is in one spot, not three.

Mayor Alison Dennington said in every category, we are going over on health insurance.

Finance Manager Jennifer Kerr said we pay the month ahead so by the end it works out.

Mayor Alison Dennington spoke about needing more explanation around certain language in this section, and thinks providing that for the public would be helpful. Mentioned Communication Services seems to be over budget in each department, would like more of an explanation of what each of those would include in each department.

Town Manager Elizabeth Mascaro said more is spent on that category at the beginning of the year. There are accounting codes that have to be used, so there could potentially be a separate sheet for definitions/explanations.

Finance Manager Jennifer Kerr said she could compile that list for anything ambiguous.

Mayor Alison Dennington asked about the \$4,900 budgeted for fire prevention. Asked why it is not under the Fire Department.

Finance Manager Jennifer Kerr said that was for fire inspections for vacation rentals. It falls under the vacation rental code so it is a code matter.

Mayor Alison Dennington mentioned that she will be voting against the finance report because of an issue with engineering which the Town Attorney is looking into, not because of the Finance Director. Said even before becoming Mayor, she requested consulting contracts including engineering that she never received. Asked for them again after being elected, said she finally got some information and it looks like there was a 2017 RFQ, CCNA provision under Florida Statutes that did not get enough responses.

Town Attorney Ryan Knight said he does not have all the documentation yet, but from the RFQ there is an initial 5 year term with an option to renew the agreement. There was not an official or final agreement executed, so what would happen in that case is the terms and conditions in the RFQ would govern. Said he would anticipate getting all of that information in the next couple of weeks, at the latest before the next Commission meeting. - 38:10

Mayor Alison Dennington said that if the 5 year term started in 2017, that since 2022 the Town has not been in compliance even though it was stated to her that we had a contract.

Vice Mayor Dawn Barlow asked if the RFQ stated an option for renewal within that language.

Town Attorney Ryan Knight clarified that the RFQ has that 5 year term but under the Statute, it can be an ongoing contract. It provided for an initial term for 5 years with the option of renewal between the parties after that.

**Vice Mayor Dawn Barlow made a motion that we approve the finance report; Commissioner Anna Butler seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.**

Mayor Alison Dennington spoke about dissenting not because of the Finance Manager, but because of legal questions. Asked questions to the Town Attorney about how he determines what to put under elected officials vs manager or general. Said who is responsible for requiring a cost to be incurred could be debated. Feels around 20 of the issues should be moved to Town Manager from elected officials. There is something about Building Height and 207 Flamingo, wants to know what the actual rule is. Wants a memo because there is nothing at the moment saying they need to report back to the Commission about that issue.

Town Attorney Ryan Knight if there is any communication or direct email between himself and a Commissioner it would fall under elected officials. General would be used for Commission meetings, researching short term rentals, etc. Some matters could be hybrid, but generally if communicating with Commissioners it is under elected officials. Did reach out to Mr. O’Gorman and is setting up a meeting with him and Building Official Robert Bitgood. Says he can prepare a memo after they meet. Said the issue with 207 Flamingo is not related to building height, it was regarding potential unlicensed work going on.

Vice Mayor Dawn Barlow said there were discussions with P&Z, the Town Commission did vote on it but it’s going through its process. Is getting an idea about timelines the purpose of a memo? Does not think this is the time to take a vote on a memo.

Town Manager Elizabeth Mascaro said to remember this goes to P&Z before coming back to the Commission.

## **8. Department and Board/Committee Reports**

### **A. Public Works Department – 56:30**

Commissioner Tim Reed asked where the engineer is at on having the drawings related to the stormwater plan. Asked if we were expecting a full report or just the one basin.

Town Manager Elizabeth Mascaro said she provided drawings on the process sheet and they are looking at Poinsettia and making a recommendation that that pipe be replaced. Spoke about how the Town is getting ready to do a Basin 1 stormwater project. It is a large project that will get broken into segments. There is another project that is being addressed at Cedar and Cherry which is separate from the Basin 1 project.

Vice Mayor Dawn Barlow read email responses from Public Works Director Tom Davis.

Mayor Alison Dennington spoke about Riverside Drive not being finished yet and expressed her concern about the potential for price increases on materials if this project is delayed.

Town Manager Elizabeth Mascaro said the contract states that they cannot change the price. A big piece of their equipment was damaged and that is what caused the delay, but they have fixed it and were back at it today and would be done in a few days.

Mayor Alison Dennington disagreed that the contract states prices cannot change and asked if there was a new estimate to when they would be done.

Commissioner Tim Reed asked about the engineer drawings, clarified for now it was for Basin 1 only. Also said it would be helpful to have a list of the top priorities for the Commission to work on.

Town Manager Elizabeth Mascaro spoke about the different projects and how they will have to be phased because they cannot all be done at one time. Building Official Robert Bitgood will go into more detail about the Cherry and Cedar project.

Mayor Alison Dennington wanted to bring up, related to BSE, that the Town is not in compliance with law/code paying and billing monthly services for an engineer every month. Wants to call an emergency meeting to deal with this issue. Could at least put out an RFQ or bid for engineering services and in the meantime, the Town Attorney can say if the Town is operating legally.

Vice Mayor Dawn Barlow suggested doing that under New Business, not now.

#### B. Building Department – 1:09:35

Building Official Robert Bitgood spoke about how the Building Department had a very good month. Did a little over \$1.3 Million in construction value with no new homes. Permit fees totaling just shy of \$25,000.

Mayor Alison Dennington confirmed that the 129 inspections are separate from the 7 vacation rentals.

Vice Mayor Dawn Barlow asked about the building heights being a gray area. Items don't go to P&Z if things are within scope. Asked the Building Official if he had received anything this last month that could fall into the area that we are currently trying to evaluate.

Building Official Robert Bitgood said he had not received anything that would fall into that.

Mayor Alison Dennington asked what is the Building Official Robert Bitgood's current interpretation of the status of where we measure from and whether or not somebody can bring in fill material.

Building Official Robert Bitgood said this is being evaluated by P&Z. Everything up to now has always been from the finished floor elevation. Is not aware of anybody bringing fill in. Spoke about how the Code says at least 18 inches above the crown of the road.

Mayor Alison Dennington spoke about the importance of having something in writing. If it is under 7A it is a zoning issue, and the planner should make those determinations.

Building Official Robert Bitgood spoke about how he enforces the Town ordinances, but he does not interpret the Code. Has tried to help in the past to clarify that, now realizes it is



not his responsibility and is having P&Z look at it. Said that regarding the stormwater at Cherry, the pipe was scoped and it is in great shape, but when the river gets so high, half of the pipe is under water. Recommends keeping an eye on it.

Mayor Alison Dennington asked for details on the inspection status partially complied.

Building Official Robert Bitgood spoke about being able to partially approve, so the work can continue and the remaining work will be inspected later. -1:19:22

Mayor Alison Dennington asked for an asterisk for more details next to inspections that say partially complied.

Building Official Robert Bitgood had misunderstood the Mayor and explained that that would be one of the 7 inspections where he was helping before the new code person starts. The reason you have to have a Building Official is if you have construction in your jurisdiction to regulate that. He would have it in his authority to partially comply something to keep the project going.

Mayor Alison Dennington asked to understand the difference between partially complied and partially approved. Asked the Town Attorney to get her that Statute.

Building Official Robert Bitgood said that compliance is related to a code issue, partially approved means he went out for something like a framing inspection and maybe they were missing screws or something simple like that and he can look at that when he comes back.

Town Manager Elizabeth Mascaro explained that there are probably 15 items that are reviewed, partial compliance means they may have passed on 10 but failed on 5.

Mayor Alison Dennington said that Jim Turner quit, was wondering why he was mentioned.

Fire Chief Gavin Brown said he quit as the Code Enforcement Official, but now is a contractor that does fire inspections.

#### C. Code Enforcement – 1:31:30

Town Manager Elizabeth Masacaro said she is the Code Officer at the moment but there is a full time person starting January 2nd. Page 79, where it shows the certificate list, if there is a money number, that means they have not paid and the property has not been inspected. Trying to categorize it to say if it is held for money, inspection or both. If the money is 0 it means they paid but have either failed inspection or not scheduled one yet. Have 17 properties that have paid but haven't scheduled inspections.

Vice Mayor Dawn Barlow asked about short term rental violations, specifically having a section of currently registered applications in process and believed unregistered STRs.

Town Manager Elizabeth Mascaro spoke about how page 76 shows the short term rental violations that are in the code enforcement process. They have not complied, letters have

been sent. She has contacted the Magistrate's Office asking for dates in January to take them to code. Several addresses on the list from Bruce Larson are in the 4RMO and 5RMO which are 30 day or more rentals only.

Vice Mayor Dawn Barlow asked about producing a complete list that shows different categories, 30 day vs short term, etc.

Town Manager Elizabeth Mascaro said she could make an Excel spreadsheet but is working on different report options. Also said that if the Town has to convene with the Magistrate, the Town can charge a fee. Should look into adding this when talking about fee structures.

Mayor Alison Dennington asked for updates/details on the entire list from Bruce Larson.

Town Manager Elizabeth Mascaro said she can provide the list with the updates on it.

Mayor Alison Dennington asked for details on if the Owner Occupied Vacation rental at 2015 Oak from Gary Prutow is the first time he had the exemption form turned in.

Town Manager Elizabeth Mascaro said it came up as a complaint originally, but Gary Prutow signed the form. Does not know if this is the first time he has submitted the form but could get back to the Mayor about that. Also said that for people who have not fully finished the application process (they have paid but the inspection has not been done) they receive an email and they are aware they cannot legally rent.

Building Official Robert Bitgood said he had pulled State Statute 468.604(1) and read it.

Mayor Alison Dennington said that did not mention partially, which was her issue.

#### D. Fire Department – 1:47:25

Fire Chief Gavin Brown spoke about how the report used to be for each calendar month, but to provide more current information the report covers part of December.

Commissioner Tim Reed asked about automatic aid agreement with Indian Harbour Beach.

Fire Chief Gavin Brown spoke about how Indian Harbour Beach sent him an auto aid agreement that he is currently looking it over, but this will not fix the issues caused by not having an auto aid agreement with Indian Harbour Beach. Spoke to the Commission about scheduling a workshop to discuss the fire department and the possibility of hiring paid fire personnel.

The Commission discussed when to have a February workshop for this, suggesting Feb 4th.

Fire Chief Gavin Brown said hydrant flushing is underway late at night. Currently applying for an AFG grant for equipment, and then will apply for a staffing grant. The Christmas Eve Santa Run is coming up and the gift drop off starts on Friday. For more details visit [WWW.MBVFD.COM](http://WWW.MBVFD.COM).

Vice Mayor Dawn Barlow asked about the differences between whole house short term rental versus owner occupied inspections. - 1:55:45

Fire Chief Gavin Brown spoke about Administrative Code 69A-43 which says vacation rental enforcement falls under transient lodging. Have a whole inspection checklist, smoke detectors, fire extinguishers, etc. However, the State and DBPR does not require owner occupied rentals that rent less than 50% of the structure to have an inspection, or have any requirements. Read part of Florida State Statute 633.206 and 509.215 and part of the Administrative Code.

Mayor Alison Dennington said if you are renting short term, even if it's just a room, that would make you a short term rental. If the owner occupied exemption is taken away, will they need to go through this whole inspection process?

Fire Chief Gavin Brown said lots of codes and statutes cross reference each other but what he has found is that it refers to 50% or more of the units in the structure being advertised for short term rentals, then they would be required to be inspected. If the Town wanted to be more strict than the Florida Fire Prevention Code, at that point, the Town would need to go through and pass an ordinance and present that amendment to the state. The 50% provision is in section 509.215 of the Florida State Statute.

Vice Mayor Dawn Barlow spoke about asking the current owner occupied vacation rentals for the number of rooms that are being rented.

Fire Chief Gavin Brown said that if the Town were to require an inspection, to think about it before making a decision because it becomes an enforcement issue.

Commissioner Anna Butler mentioned originally bringing it up because of fees.

Fire Chief Gavin Brown said if you are requiring inspections for any and all forms of short term rentals, the inspection requirements would most likely be the same so it would make sense that the price would be the same.

Town Manager Elizabeth Mascaro asked if the Commission would be interested in changing the requirement of having a landline to post the address in various rooms. The intent of the landline was if they needed to call emergency services they might not know where they are, but if the address was posted around the home that could help solve the problem.

Mayor Alison Dennington liked this suggestion and said they could have a vote on it after public comment. Asked if the Town Attorney could provide options related to repealing the owner occupied exemption. Asked for the Fire Chief to provide further details on how often other agencies assist our Town.

Town Attorney Ryan Knight said he could look into it but for fire issues, you would be creating more issues than there actually are for a one bedroom.

#### E. Police Department – 2:15:40

Mayor Alison Dennington spoke about creating a policy to have an officer go when there is a line of duty death. Asked for the monthly report to state how many times other agencies assist us.

Police Chief Tim Zander spoke about how there is no current procedure to send someone if an officer dies in the line of duty. If it is within the county, they absolutely go. If it is outside the county, they either try to send someone or contact the department and give support. Does not think there needs to be a policy in place. Said most of the time it is Melbourne Beach assisting others as opposed to getting assistance from others. Could provide when they are helped going forward.

Commissioner Tim Reed asked if the Department is fully staffed with the new officer.

Police Chief Tim Zander said the new officer is being trained, once she is trained they will be fully staffed. She should finish around the middle of March.

#### F. Town Clerk – 2:20:00

Town Clerk Amber Brown said she wanted to highlight that there has been an update to the website. When people receive a subscription notice for the agendas and minutes page, it does not stipulate what was updated and there is no way for a subscription to do so. But at the top of the page it will show the most recent updates.

Mayor Alison Dennington asked questions about the intern and the scanning project.

Town Clerk Amber Brown said she is on winter break, will not see her until January and does not know the length of time she will be helping with the project. Said she seems like she will be good with technology. Documents are scanned, can provide them upon request, but does not know when they will be fully available. The system is not filing or naming them correctly. Spoke about the different phases of the project.

Vice Mayor Dawn Barlow asked about public requests that haven't been completed.

Town Clerk Amber Brown said that is usually because of the date cut off, a few are very large so she has to put a quote together and give the person an opportunity to pay the quote before doing the work.

Mayor Alison Dennington suggested if a request is for historical records, such as minutes, that were uploaded in phase one, that can be done quickly.

Vice Mayor Dawn Barlow asked how requests from elected officials are captured?

Town Clerk Amber Brown said the Town Attorney determined anytime a Commission member puts in a request they are not considered public records requests and therefore they are not captured.

## 9. Public Comment (Non-Agenda Items) – 2:31:25

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.

**Frank Thomas** – *Spoke about this being the longest workshop ever. This is not a Town meeting, there has not been anything official since the start. Showed paperwork about the Walking History Tour.*

Mayor Alison Dennington said she would at some point like to move Public Comment up from number 9 on the agenda to number 5.

**Scott Bartczak – 204 Fir Ave** – *Spoke about how some of these items seem litigious. What is the intent of charging for someone to rent a room? Why charge someone if they are found in compliance by the Magistrate? What are we trying to achieve about the partially approved inspection? Why does so much need to be reported? Don't make everything so complicated.*

Mayor Alison Dennington said she does not believe a person could be charged a fee for having to go to the Magistrate if they were in compliance. Also spoke about how partially approved is just a language thing and trying to understand the report.

**Mark Emerson – 512 Ocean Ave** – *Spoke about how everyone already has a phone in their pocket and it tells 911 where you are. Doesn't believe the landline requirement is necessary.*

**Mark McBride – 310 Second Ave** – *Spoke about vacation rental issues, and news articles on vacation rentals. Said report says 17 STRs and we know it's closer to 50.*

**AnneMarie McBride – 310 Second Ave** – *Spoke about vacation rental issues, and strengthening the regulations. Preserve the Town of Melbourne Beach.*

**Bruce Larson – 1507 Pine St** – *Spoke about needing more definitions and distinctions regarding owner occupied vacation rentals.*

## 10. Public Hearings/Special Orders

### 11. Unfinished Business

#### A. Approval of Regular Town Commission Meeting minutes November 20, 2024 – 2:51:50

Mayor Alison Dennington spoke about passing the gavel to make a motion to put the agenda item at the very end of the meeting.

**Vice Mayor Dawn Barlow made a motion to table the consent agenda A approval of regular Town Commission meeting minutes which was moved to unfinished business; Commissioner Anna Butler seconded; Motion carried 4-0.**

#### B. Approval of the Regular Town Commission Meeting minutes September 18, 2024 – 2:55:12

**Vice Mayor Dawn Barlow made a motion that we approve the regular Town Commission meeting minutes September 18th 2024; Commissioner Anna Butler seconded; Motion carried 4-0.**

~~C. Ordinance 2024-05 Chapter 74 Vacation Rentals – First reading~~

~~AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 74, “VACATION RENTALS”; AMENDING PARKING REQUIREMENTS TO LIMIT AMOUNT OF VEHICLES AT VACATION RENTALS; AMENDING MAXIMUM OCCUPANCY CAPACITY; PROVIDING FOR NOISE REGULATIONS AND PENALTIES; PROVIDING FOR REGISTRATION SUSPENSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~D. Ordinance 2024-06 Chapter 48 Noise Control – First reading~~

~~AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 48, “NOISE CONTROL,” RELATING TO NOISE REGULATIONS; AMENDING REGULATIONS, DEFINITIONS, AND TESTING PROTOCOLS RELATED TO NOISE RESTRICTIONS; PROVIDING MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SPECIAL PERMITS AND LICENSE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.~~

## **12. New Business**

A. Consideration on quotes to replace the Old Town Hall History Center roof – 2:57:10

Building Official Robert Bitgood said there was a roof leak at the Old Town Hall History Center. Received 3 quotes. Based on the cost per sheet and the type of materials quoted he would recommend going with the quote from G&G Roofing. Their quote was \$16,500 which was slightly higher than the other quotes but used better materials.

Vice Mayor Dawn Barlow asked if the Building Official Robert Bitgood had any idea how many sheets of plywood might need to be replaced. What is the potential to go over that \$16,500? Is this budgeted and does that Board have the money for it?

Building Official Robert Bitgood said he does not see them going much over the \$16,500, but until you strip the roof, you just don’t know. Estimates possibly 2-3 sheets more at \$68 per sheet, roughly another \$210.

Town Manager Elizabeth Mascaro said that this is not budgeted, and in order to keep the millage rate there are no extra funds. The money could be pulled from long term capital. There is a Resolution that says all maintenance and upkeep of the Old Town Hall is the responsibility of the Town.

Mayor Alison Dennington requested the date from the Town Manager about when she found out about this resolution. Spoke about getting the funds from parking, and asked

why this wasn't budgeted. It has been known for years.

Town Manager Elizabeth Mascaro said the funds could be borrowed from reserves. Said they repaired it at the same time they painted the building. They looked at the roof, there was no leak at that time, so they thought the roof would be good for another 2-3 years. Said for the record, there has been money allocated for these buildings over the years for repairs, leaks, etc., but there is no money in Capital Improvements at the moment.

Vice Mayor Dawn Barlow asked if the Board could pay upfront, and at year end the Town could reimburse them.

Commissioner Anna Butler spoke about having prior experience with G&G and they did a good job.

***Gail Gowdy – 215 Ash Ave – Asked when the contract is up on that building, if the County does not want to renew, then why put a roof on it? Asked when the lease was up. There are too many questions concerning an unknown.***

Town Manager Elizabeth Mascaro said the lease is up in 2025. The county owns the land and the building, so in January they will reach out to them to see if they would like to renew the contract.

Mayor Alison Dennington spoke about needing to figure out what the County wants to do prior to figuring out what to do about the roof.

**Vice Mayor Dawn Barlow made a motion to table this until next month, pending a meeting that the Town Manager is going to have with the County and the Town Manager will also incorporate a report to be inserted in addition to the bids that are in today's packet; Commissioner Anna Butler seconded; Motion carried 4-0.**

B. Resolution 2024-14 Establishing a Charter Review Committee – 3:14:50

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ASSIGNING ITS DUTIES AND DURATION, PROVIDING AUTHORITY FOR EXPENDITURES; PROVIDING AUTHORITY FOR PUBLIC MEETINGS; PROVIDING FOR A METHOD OF PROVIDING LEGAL AND STAFF SUPPORT FOR THE COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE AND A DATE FOR TERMINATION OF ACTIVITIES.**

Town Attorney Ryan Knight said this provides that each member of the Commission shall appoint somebody to that Charter Review Committee.

Mayor Alison Dennington spoke about how they decided they would be announcing it here but Commissioner Robert Baldwin is not present.

Town Clerk Amber Brown said Commissioner Baldwin provided his appointee's information ahead of time.

Mayor Alison Dennington said she received a call about an issue with someone being on two boards at one time.

Town Attorney Ryan Knight spoke about how the Charter Review Committee is considered an Advisory Board. The Board of Adjustment and Planning and Zoning Board are considered an office. So this would not violate the dual office holding provisions.

Commissioner Tim Reed asked if a committee is the same as a board.

Town Attorney Ryan Knight said it is a distinction that does not really matter, it is what is in the ordinance and what the responsibilities actually are. They have no decision making authorities or duties, they are simply making recommendations to the Commission.

Mayor Alison Dennington passed the gavel.

**Mayor Alison Dennington made a motion to amend this to strike the Charter Review Committee and make it Charter Review Board.**

**Failed for a lack of second.**

**Vice Mayor Dawn Barlow made a motion that we accept the Town Commission Resolution 2024-14 establishing a Charter Review Committee; Commissioner Anna Butler seconded; Motion carried 4-0.**

**Mayor Alison Dennington passed the gavel.**

**Mayor Alison Dennington made a motion for the Town Attorney to give us something that explains the difference between a Committee and a Board.**

**Failed for a lack of second.**

#### C. Commissioners present their appointee to the Charter Review Committee – 3:21:35

Mayor Alison Dennington appointed Bruce Larson.

Vice Mayor Dawn Barlow appointed Kathy Ivers-Osthus.

Commissioner Tim Reed appointed Charles Leps.

Commissioner Anna Butler appointed Jessica Martinez.

Town Clerk Amber Brown provided Commissioner Baldwin's appointee James Simmons.

Mayor Alison Dennington spoke about how James Simmons is on the Board of Adjustment and believes that is a problem.

Town Attorney Ryan Knight spoke about how the Town Clerk will contact the members to schedule the first meeting. He would chair the meeting until they elect a chairperson. At the first meeting, a schedule will be created and he will provide a summary.

Commissioner Anna Butler confirmed that this Committee would fall under Sunshine.



Town Attorney Ryan Knight said he would go over Sunshine Law with them at the meeting.

Mayor Alison Dennington asked if the work of the Committee would be affected if a resident challenges someone being on two boards, and what happens if someone becomes ill and has to vacate their seat.

Town Attorney Ryan Knight said if there is a lawsuit filed it would affect timelines, if a lawsuit is pending they would continue working how they see fit. Said the Resolution stipulates if there is a vacancy, it will be filled at the next regular or special Town meeting upon selection by the original appointing Commission member.

D. Consideration on instituting paid parking at 6<sup>th</sup> Ave Kayak Launch – Commissioner Tim Reed – 3:29:25

Commissioner Tim Reed said instituting paid parking was mainly to address unattended vehicles there. He was thinking this could go on the task list. Said the Town could use existing kiosks, have signing pointing people to use them or the app. Also said residents would still have free usage via their parking permits.

Commissioner Anna Butler asked if this is to solve a problem or is this to bring revenue.

Commissioner Tim Reed spoke about it being a combination of both. It would generate revenue, and assist with parking.

Mayor Alison Dennington spoke about how she has never seen a time when it is fully parked and too busy. Concerned with messing with something that does not have a problem. If residents start to have an issue launching their boat then look into it. Not against it because residents wouldn't have to pay. Spoke about informally asking the residents their opinion, possibly on Facebook.

Vice Mayor Dawn Barlow spoke about not being sure there is a problem that needs to be solved. Sees activity at the ramp, but not a backlog. There are other priorities right now.

Town Manager Elizabeth Mascaro spoke about how there would need to be parking spots because that is how people pay. Said there would not need to be a kiosk, people could use the app on their phones to pay and it could calculate a different fee for a trailer.

Mayor Alison Dennington said her husband launches there and he said it does get busy occasionally, but he has never had an issue being able to launch.

Commissioner Tim Reed spoke about how there have been times when he has gone there and it was too busy, so he had to leave and come back later. Said there is paid parking in similar areas in town.

Mayor Alison Dennington spoke about one idea to test it is to have some free spots and some paid spots.

**Gail Gowdy – 215 Ash** – Spoke about having friends on Sixth and that area is the only place in Town that is not paid parking that is used by a lot of outside people. It should be consistent. - 3:43:35

**Bruce Larson – 1507 Pine** – Spoke about wanting to disincentivize outside people from using it. The majority of people using the ramp are not Town residents. Limit the amount of use of it and save it for the residents.

**Scott Bartczak - 204 Fir** – Spoke about using the launch a lot. It is too small to be considered a revenue stream. What about it being a resident only, so you need a sticker.

Mayor Alison Dennington spoke about trailers of different sizes, thought that the Public Works Director could possibly go over and take measurements. Suggested tabling this, but to come back with options with trailer size and how many would fit.

Vice Mayor Dawn Barlow asked about the state as far as projects related to the boat ramp and drainage issues.

Town Manager Elizabeth Mascaro said one project was the seawall. The Town put coquina down that is working, it's taking on the waves and dispersing the water. Recommended one more truck load be dumped on the water side. The second project was looking at doing some landscaping. Pine Street is pitched which causes water issues. There is no water there for landscaping, and the coquina rock is doing really well.

Mayor Alison Dennington said there will always be expenses including the seawall, so even if the paid parking didn't bring in a lot of money, it could still create a fund for that.

Town Manager Elizabeth Mascaro spoke about how another idea is to create a boat sticker to allow non residents to purchase a sticker.

Vice Mayor Dawn Barlow said you could also cap the number of stickers for guests.

The Commission spoke about liking that idea.

Commissioner Tim Reed spoke about being okay with tabling it. Doesn't have a problem with the idea of making it exclusively residents, although that might have some blow back.

**Commissioner Tim Reed made a motion to put this on the task list to develop the plan and proposal for the 6th Ave paid parking and bring it back in February; Vice Mayor Dawn Barlow seconded; Motion carried 4-0.**

- E. Consideration on instituting paid parking at the east end of Ocean Ave – Commissioner Tim Reed - 4:03:20

Commissioner Tim Reed started by confirming that is Town property, not part of Ocean Park. Said there is beach access parking at the end of every other street. Maintain emergency access, add marked number spaces, no need for a kiosk. There's no need to

add a crossover. Right now the parking spaces are for 30 mins, no unattended vehicles. Maintain some of those spots. This would allow residents to use the resources in Ocean Park without having to pay to park. The revenue from this area would not be included in the Ocean Park parking (it would go to Ryckman fund).

Mayor Alison Dennington spoke about liking the idea. This would bring a lot more revenue.

Town Manager Elizabeth Mascaro spoke about how the Town does own this land.

Vice Mayor Dawn Barlow confirmed potential costs to redesign this could be absorbed by parking and said she would be in favor of exploring the idea.

Commissioner Anna Butler spoke about how she would be very unhappy with adding more congestion to that area. People stop to take a picture of the beach. There is the curve there that confuses people and she is not for it. There are safety concerns.

Vice Mayor Dawn Barlow asked if FDOT would have a say.

Town Manager Elizabeth Mascaro said she does not think so. FDOT required the Town to change the parking into Ocean Park. Spoke about how it is Town property, but FDOT might weigh in on the entrance and exit.

**Scott Bartczak – 204 Fir** – *Please do not do this. If you put parking there, people are going to park there and then residents will have no place to go. It is one of the few places you can see the water.*

**Gail Gowdy – 215 Ash Ave** – *Said a lot of handicapped people drive there to see the ocean.*

**Jessica Martinez - 301 Ave A** – *Spoke about being opposed to adding parking there. Someone is going to get run over. It is too tight there and confusing.*

Commissioner Tim Reed spoke about not making a motion because it does not seem to have support.

Commissioner Tim Reed spoke about having a long term plan for a reliable arrangement for a Magistrate. Trying to strengthen ordinances and have better enforcement, that could lead to more need for things going to Magistrate. Said the current Magistrate might be near the end of their career. Looking for an effort to start the search now to have a Magistrate in place for the future. Said he was not trying to slight the Magistrate in any way, shape or form, just did not want to have a gap.

Mayor Alison Dennington said the current Magistrate is very well respected and knowledgeable.

Town Manager Elizabeth Mascaro spoke about starting to have the conversation to have a backup plan.

Mayor Alison Dennington mentioned FLC and that they do have a provision, it's a free service where you can advertise for any position. Could you put something on there saying we have a Magistrate but might be looking for one?

Town Manager Elizabeth Mascaro said they could put something out there as far as how frequently they would meet and see if there is any interest.

**Commissioner Tim Reed made a motion to have the review and search for a new magistrate be added to the task list with a due date of February 2025; Vice Mayor Dawn Barlow seconded; Motion carried 4-0.**

- F. Consideration on contracts for vacation rental tracking companies – Town Manager Elizabeth Mascaro – 4:27:05

Town Manager Elizabeth Mascaro spoke about receiving information on 2 companies, [Orange Data and Deckard Technologies](#), but found a 3<sup>rd</sup>. The 3<sup>rd</sup> company [GovOS](#) cannot meet until January 3<sup>rd</sup>. Out of the other 2 companies, feels very strongly about Deckard. They have a comprehensive package with an annual cost of \$13,500 with three separate modules. Can opt out of individual modules later.

Mayor Alison Dennington thanked the Town Manager for the report and agreed with her about Deckard. Wants to wait until the new short term rental ordinance is passed.

Commissioner Anna Butler asked if Indian Harbour also looked into Deckard.

Town Manager Elizabeth Mascaro said the person she spoke with from Indian Harbour did not recall the name Deckard.

Vice Mayor Dawn Barlow asked if they keep a percentage of the collection. Would we have access to the data?

Town Manager Elizabeth Mascaro spoke about not delving into that yet. Due to public records laws in Florida we would have to have access to the data.

Commissioner Tim Reed spoke about how this is good, but it would be good to have some more time to get the additional information from the 3<sup>rd</sup> company. Can they really fence the Town of Melbourne Beach off from the rest of south Melbourne Beach? Mentioned the core module, the \$5,000 one, where they do the research and come up with the numbers, registration portal and hotline are additional options. Can see the benefit of starting with all three and then tailor back.

Mayor Alison Dennington said that was the same question she had at the conference she attended and the person who showed her about Deckard there showed her it's possible and how. Wants to know if they would consider a reduced amount for the first year.

Town Manager Elizabeth Mascaro said they can designate the Town of Melbourne Beach. Able to tailor a lot of the information.

Commissioner Tim Reed said the Town Manager reached out to Indian Harbour Beach, the literature provided some references, two of them are beach side communities, thought it would be worthwhile to get their perspectives.

Town Manager Elizabeth Mascaro said she has a meeting with the Town Manager of Cocoa Beach on Friday.

Mayor Alison Dennington asked the Town Manager to ask Cocoa Beach about the new ordinance they passed about the advertisement.

**Bruce Larson – 1507 Pine** – Spoke about how he has done some research into this. Deckard seems like this is their primary business and they are very timely. Whereas a lot of the other companies, it is one module of many. Deckard is a very good option and at a good price.

**Scott Bartczak – 204 Fir** – Spoke about making sure this is really only doing a service, but don't have them be the police and go after residents for money.

**Vice Mayor Dawn Barlow made a motion that we hold this to the January meeting to include a third party that the Town Manager will get additional information on that and that will also sync up with the first reading of the short term rental; Commissioner Anna Butler seconded; Motion carried 4-0.**

### 13. Administrative Reports

#### A. Town Attorney

No additions.

#### B. Town Manager – 4:49:29

Town Manager Elizabeth Mascaro spoke about meeting with Land and Sea who provided a quote for some repairs to the pier. They have already given an estimate and it's been submitted to FEMA. The new Code Enforcement Officer will start in January, His name is Robert. He currently works at the airport, but prior to that for around 10 years he worked as a process server for the County. Has a master's degree in criminal justice. Five people applied, there were 3 follow-up interviews and he was the choice.

Mayor Alison Dennington spoke about wanting the Town Manager's report beefed up, but does believe it is being worked on with the task list.

Vice Mayor Dawn Barlow wanted clarification on the task list versus the Town Manager's report.

Town Clerk Amber Brown said the task list is separate from the Town Manager's report.

Mayor Alison Dennington said her issue was there was never a definition of task list.

Town Manager Elizabeth Mascaro said it could be called a research list.  
Commissioner Tim Reed asked about the paving project and if the company is responsible for returning Circle Park to its prior condition.

Town Manager Elizabeth Mascaro said she would call and confirm if they will be done before the new year. Said the original and current scope of the work goes to Pine so there will be no additional cost, and they will replace the sod in the Park.

**14. Commission Reports**

**15. Task List**

**16. Public Comment**

**17. Adjournment**

**Vice Mayor Dawn Barlow made a motion that we adjourn; Commissioner Anna Butler seconded; Motion carried 4-0.**

Meeting adjourned at 11:05 p.m.

**ATTEST:**

\_\_\_\_\_  
**Alison Dennington**  
**Mayor**

\_\_\_\_\_  
**Rachel Pembroke**  
**Transcriptionist**

## Town Commission Meeting

**Section:** Consent Agenda

**Meeting Date:** January 15, 2025

**From:** Town Clerk Amber Brown

**RE:** Approval of the Town Commission Workshop minutes  
December 16, 2024

### Background Information:

On December 23, 2024 the draft minutes for the December 16, 2024 Town Commission Workshop were emailed to the Town Commission.

Commissioner Tim Reed requested an amendment which is underlined and in red.

### Recommendation:

Approve the December 16, 2024 Town Commission Workshop minutes as presented.

### Attachments:

December 16, 2024 Town Commission Workshop minutes

# Town of Melbourne Beach

## TOWN COMMISSION WORKSHOP December 16, 2024 at 6:00 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE

### MINUTES

#### Commission Members:

Mayor Alison Dennington

Vice Mayor Dawn Barlow

Commissioner Robert Baldwin

Commissioner Anna Butler

Commissioner Tim Reed

#### 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 Dawn Barlow

Commissioner Robert Baldwin

Commissioner Anna Butler

Commissioner Tim Reed

#### Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

Deputy Police Chief Matthew Smith

Town Clerk Amber Brown

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

Mayor Alison Dennington led the Pledge of Allegiance.



#### 4. New Business

- A. Discussion on the proposed vacation rental ordinance changes – Town Attorney Ryan Knight – 5:30

Town Attorney Ryan Knight said that this version of the ordinance has not had any changes and the goal of this meeting is for the Commission to inform him of any changes they would like, so he can work to change those things and create a final ordinance. Spoke about the first section, Authority, Scope and Purpose. This has language from when ordinance was first passed, and he wants to update it to reflect the realities of where the Town is now(mentioned specifically sections E-G). Also wants to update the Findings of Fact section, especially to have that codified in the code of ordinances as far as some of the difficulties the Town has had with respect to regulation and STRs not complying.

Mayor Alison Dennington spoke about page 6 and requested to strike E and G (2). Also discussed with an audience member that there cannot be public comment on each page/section.

**Commissioner Anna Butler made a motion to allow Commissioner Tim Reed as sponsor of agenda Item B to insert the changes along the way; Commissioner Tim Reed seconded; Motion carried 5-0.**

Commissioner Tim Reed spoke about 74-1 page 6 item D strike the zone language and make it applicable to the entire Town. Replace it with Mr. Larson’s language on page 29 74-1 Authority, Scope, and Purpose. - 17:45

Mayor Alison Dennington spoke about wanting a catch-all provision. Does not like the language on page 29 that says “which permit.” There used to be a provision in the code that prohibited short term rentals. There is an argument that it was a scrivener's error that the provision was left out.

Town Attorney Ryan Knight spoke about what a scrivener’s error is (someone writing something down wrong). The provision being removed would not be a scrivener’s error because there was a vote. Discussed the specific wording to use for this section.

Commissioner Tim Reed asked for further clarification on the wording of that section and called for Bruce Larson to speak on the matter.

***Bruce Larson – Spoke about the Land Development Code having primacy over all other regulations. – 29:10***

**Commissioner Robert Baldwin made a motion that we start with Mr. Larson’s comments and go through all of those and then go back to address anything that hasn’t already been addressed with the Town Attorneys version; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

- B. Discussion on vacation rental ordinance recommendations by resident Bruce Larson sponsored by Commissioner Tim Reed – 31:00

Mayor Alison Dennington spoke about page 29 Section 74-1 Authority, Scope, and Purpose, and suggested changing “which permit” to “which may permit” and cite the LDC.

Town Attorney Ryan Knight spoke about adding language “as may be amended from time to time.”

Commissioner Tim Reed confirmed that they would still be citing directly to the LDC.

Mayor Alison Dennington spoke about 74-2 Finding of Facts, and had no issues.

Town Attorney Ryan Knight spoke about adding language “are in violation of the Town code of ordinances.”

Mayor Alison Dennington spoke about 74-3 Dwelling Unit.

Town Attorney Ryan Knight spoke about the definition of dwelling unit, one or more rooms with private bath and kitchen facilities comprising an independent self contained dwelling unit. Mentioned that it is located in the LDC.

Commissioner Robert Baldwin spoke about having a reference in this code to the LDC definition.

Mayor Alison Dennington spoke about keeping the existing definition of dwelling unit that is in the LDC.

Town Attorney Ryan Knight mentioned the importance of having a consistent definition.

Commissioner Robert Baldwin said with the first reading at least a month out, can we bullet point things such as getting on the same page about dwelling unit definitions, and leave plenty of time for the residents of the Town to speak.

The Commission agreed to keep the existing definition of dwelling unit.

Mayor Alison Dennington said the Advertising Platform definition does not exist in the current code and is good with the definition presented. - 39:10

The Commission agreed to add the Advertising Platform definition.

Mayor Alison Dennington spoke about the definition of Owner-Occupied Vacation Rental and said she was nervous to add definitions. Brought up doing away with the exemption altogether.

Commissioner Tim Reed spoke about removing the owner occupied vacation rental exemption. There is no difference from any other vacation rental.

Mayor Alison Dennington spoke about agreeing with Commissioner Tim Reed, but would be willing to lower the fees.

Commissioner Anna Butler asked for verification that owner-occupied rentals are exempt from everything.

Town Attorney Ryan Knight spoke about how there is some paperwork, but for the most part they are exempt from the requirements a standard STR has.

Commissioner Robert Baldwin spoke about asking residents to come to the workshop and how it is necessary to give them adequate time to speak.

**Vice Mayor Dawn Barlow made a motion to do public comment on agenda Items A-C; Commissioner Robert Baldwin seconded; Motion carried 5-0.**

***Bruce Larson – 1507 Pine St*** – Said it was vital to reference the LDC as it may be amended from time to time. Spoke about the definition of dwelling unit including kitchens, but not all rentals will have kitchens. The owner occupied units should not be exempt from everything. - 51:05

***Gail Gowdy – 215 Ash Ave*** – Provided a handout, and said that a grave injustice was done because the LDC did not and does not allow vacation rentals and provided examples.

***Lisa and Eric Peters – 406 Hibiscus Trail*** – Spoke about having a STR legally per the code. They rent their home when they are traveling. They have not had any complaints. They do not make a ton of money from it, but it has allowed them to travel. Said that they did the full registration, not owner occupied. Said they have a person on the ground to oversee the place when they are traveling.

***Carol Crispen – 205 Elm Ave*** – Spoke about bad experiences her family has had to deal with due to vacation rentals. Vacation rentals are destroying communities.

***Gary Prutow – 2015 Oak St*** – Spoke about being in favor of informed and educated regulations of vacation rentals. Show us the data that vacation rentals are as huge of a problem as a few residents are making them out to be. Show the proof.

***Tina Bove – 216 Ash Ave*** – Provided a document related to short term rentals. Spoke about repealing the short term rental ordinance. Doesn't want STRs getting out of hand.

***Devin Compo – 608 Mango Dr*** – Said to find the problem, provide the data, and go after the problem. What's the most significant problem we have? Go after and address that. Drive change based on the problem and data. If unregistered rentals are the issue, deal with that. Also, acknowledge what cannot be changed or addressed and avoid that topic.

Mayor Alison Dennington asked Devin if she had any issues with the changes and she mentioned the occupancy being at 8, hers is at 10. Mayor Alison Dennington suggested having a provision to be able to apply for 10 guests.

***Mike Bove - 216 Ash Ave*** – Spoke about how most people in Town do not want to prohibit people from legally renting. Go back to what was approved in 1972. - 1:24:10

**Jan Pence – 200 Riverside Dr** – Spoke about how DBPR does inspections, hotels do not do background checks. Make decisions based on facts not emotions.

**Joanie Sheppard – 201 Third Ave** – Spoke about how Airbnb and VRBO have zero responsibility, owners have to have their own contracts. It is not fair to limit the vehicles to three. No more than 4 if they can fit.

Mayor Alison Dennington spoke about allowing 4 vehicles if it is a 4 bedroom unit and they fit.

**Erica Molina – 400 Atlantic** – Spoke about operating a short term rental for 4 years and living a few houses down the street. Does not rent to anyone under 25, no parties, and has her own contract that stipulates everything the renters cannot do which is everything the neighbors would complain about. Also spoke about allowing more cars.

Mayor Alison Dennington spoke about still wanting to limit less than 4 cars if there's not four bedrooms.

**Joyce Barton – 322 Third Ave** – Spoke about how there are differences between owner occupied vacation rentals because the Property Appraiser's Office allows owner occupied to have a homestead exemption, and Department of Business Licensing does not require owner occupied rentals to be licensed. The proposed language is going to be over regulating. Other businesses in Town only pay \$50. - 1:44:00

Vice Mayor Dawn Barlow asked the Town Manager how many owner occupied vacation rentals are there.

Town Manager Elizabeth Mascaro spoke about there being around 5.

Mayor Alison Dennington asked Joyce Barton what would be a reasonable amount if the owner occupied exemption was removed.

**Maria Malinowski – 6897 Highway A1A** - Spoke about renting one room in her house and you have put your own rules in your contract. There are only a few bad apples that should be addressed, not everyone. It is a big difference when you rent an entire home versus one room.

Mayor Alison Dennington said that the Commission creates the ordinances people have to follow. It is great when people make their own contracts with their own rules but they cannot force anyone to do that.

**Michael Ormonde – 301 Avenue A** – Spoke about there are 2 problems, owner occupied and entire home rental. Don't regulate them the same. There should be regulations, but don't over regulate and penalize the mom and pop places. Don't overburden the small person.

**Kelen Prutow – 2015 Oak St** – Spoke about having a one bedroom she rents in her home and a home at 228 Sixth Ave she rents out as well. The rules need to be fair and not over

*regulate a small portion of businesses. There are a lot of home based businesses in Town. Her rental home has 6 bedrooms, so it can fit 12, but the maximum of 8 is not fair. All of the other home businesses in town only pay \$50. Believes it should be two people per bedroom. She said if you limit it to 8 people and 3 cars she will be out of business, she never has less than 10 people book.*

Mayor Alison Dennington asked if having a special circumstances rule for more than 8 guests would help.

**Linda Noble – 308 Second Ave** – *What is your jurisdiction and what is ours? The constitution says a man's house is his castle. There is a lot of government overreach. There are so many other issues. She has an owner occupied exemption for one room in her home.*

Mayor Alison Dennington said the parking issues only apply for when the home is being rented.

**Tim McKercher – 217 Third Ave** – *Spoke about renting out a portion of his home. Renters shop locally, and he has not had any issues or complaints. Is in favor of regulation when it makes sense. Responded to the Mayor that he rents a detached guest suite and is owner occupied. The room he rents does not have a kitchen and has a big driveway. Said it is \$50 for a business license so feels it would be fair to charge \$50. Said he was sent the owner occupied exemption file, got back with code enforcement and they said to go notarize it. Went to a notary and they said it was not a legitimate document and they cannot sign it, so he was unable to file.*

Mayor Alison Dennington asked how he rents out his house, asked if it has a kitchen and about parking. Asked about filing an owner occupied exemption.

**Mark Emerson – 512 Ocean Ave** – *Provided a document of suggestions for addressing short term rentals. There are residents in Town that do not want vacation rentals, but at the same time, the State has stopped the Town from banning them. Has a four unit building, lives in one unit, and rents out the other three. - 2:20:25*

Mayor Alison Dennington mentioned sitting with Mark Emerson on the phone with Airbnb to have them add a box to be able to list the local registration number. Asked if it would be possible to add a provision that if you suspend a registration, but the owner sells the property with preexisting bookings, could the suspension be attached to the land?

Town Attorney Ryan Knight said the only way that would be possible is through the code enforcement process.

**Jessica Martinez – 301 Avenue A** – *Spoke about it being unreasonable to put an early noise ordinance in a beach community. People cannot afford to live in this community without money, and you want to do that to our community.*

Mayor Alison Dennington said that the larger issues to address are owner occupied exemption, occupancy restrictions, and parking.

Town Manager Elizabeth Mascaro said there is a provision that you can rent your house out no more than 30 days to retain homestead, this does not apply to owner occupied.

**Commissioner Robert Baldwin made a motion to combine agenda items A, B and C; Vice Mayor Dawn Barlow seconded; Motion carried 4-1 with Commissioner Tim Reed dissenting.**

Commissioner Anna Butler spoke about how consistency needs to be the same across the board and accountability, the fees can be lower, would want to take away the exemption.

Commissioner Robert Baldwin spoke about being fine with that, but make it easy to enforce. The fee could be per bedroom.

Vice Mayor Dawn Barlow spoke about there being 3-4 individuals step up and say they were owner occupied. Did not hear any pain points other than the fees. If the exemption is removed then the same fees would not be acceptable.

Mayor Alison Dennington spoke about the importance of defining owner occupied.

Town Attorney Ryan Knight spoke about how the fee could be tied to the number of bedrooms. 74-51 remove that section and refer to the definition and in the future the updated fee schedule.

Mayor Alison Dennington spoke about the occupancy of 8. - 2:44:30

Commissioner Robert Baldwin spoke about if someone has a 6 bedroom house and a large enough space in the driveway, does not see an issue.

Vice Mayor Dawn Barlow asked how would you enforce it. Is there any data on how many short term rentals have 5 bedrooms or more?

Commissioner Robert Baldwin spoke about being in favor of 2 people per bedroom with no additional people.

Mayor Alison Dennington spoke about 2 people per bedroom, no common area, and a max of 8, but you can file a form for an exemption.

Vice Mayor Dawn Barlow spoke about an idea of putting 2 per bedroom, none in the common area, and see how that goes after the first year. Then update as needed.

Mayor Alison Dennington spoke about her fear of 7+ bedroom houses being built if there is no max.

The Commission was in favor of 2 per bedroom, no common area, and a max of 10.

Mayor Alison Dennington brought up cars and if 3 or 4 should be allowed. - 2:53:00

Commissioner Anna Butler spoke about 4 is reasonable as long as they have the space.

Mayor Alison Dennington said this is just exposed cars, if there are cars in the garage, that does not apply.

Town Attorney Ryan Knight spoke about there is already a requirement to park in the driveway.

The Commission was in favor of 4 vehicles as long as they fit in the driveway.

Mayor Alison Dennington spoke about how a local ordinance can require an advertisement to have their local registration number. Our ordinance could say you cannot advertise without including your local registration number.

Commissioner Tim Reed confirmed that it would be requiring the short term rental host to list the registration number on any platform they are using to advertise, such as Airbnb.

The Commission was in favor of having every advertisement include their local registration number.

Town Attorney Ryan Knight spoke about page 16 section 74-25 (D) pertains to sexual predators and photo identification. - 3:00:45

Mayor Alison Dennington spoke about including visitors for the entire chapter, and anyone 18 and older has to provide a photo ID. Worries about the loophole that could be created from lots of people "visiting".

Commissioner Robert Baldwin spoke about if we put it into the code, then there will be people that will go to the end of the world to make sure it is followed to every extent. Unless the Town is willing to provide enough resources to enforce it, it should not be law.

Mayor Alison Dennington talked about how their responsibility is health, safety and wellness, so even if this issue is a difficult issue to enforce, the Commission needs to put all the effort in that they can to have things in place to help. A person's home won't have as many regulations as a business.

Vice Mayor Dawn Barlow asked Town Attorney Ryan Knight for his opinion on this section.

Town Attorney Ryan Knight said that a few municipalities did have provisions about photo IDs, but he did not see any that require a background check.

**Bruce Larson – 1507 Pine St** – Spoke about how the host can require the platform to provide all of the names of the occupants. There are companies such as Autohost, Checkmate and Superhog that perform this task for pennies and it takes less than 10 seconds. - 3:12:40

**Mark Emerson – 512 Ocean Ave** – Said he just ran a background check on Bruce Larson right now, and anyone can do that. Does not have a problem with a guest registry, but does not think they should have to save everyone's photo ID.

Mayor Alison Dennington expressed her concerns for people lying on a registry.

Town Attorney Ryan Knight does not think it is necessary to add additional language because it is already illegal. Is concerned about the ability to enforce the ideas suggested.

Commissioner Tim Reed spoke about there should be some language requiring some type of screening. It is reasonable to have a photo ID from the primary renter, but is uncomfortable with having to keep it for 2 years.

Mayor Alison Dennington spoke about having the photo ID be kept for the year, or if it is at the end of the year then for a few months after the rental. Said that driver's licenses are PII and are not public record.

***Devin Compo – 608 Mango Dr - Whatever the process is, make sure it is simple and efficient. Having people retain driver's licenses does not seem like a good idea. If the platforms can do it, that would be great. Also, be mindful of costs. - 3:25:50***

Commissioner Robert Baldwin spoke about clarifying if it is all rentals or just rentals within a certain amount of feet of schools, parks, etc.

Mayor Alison Dennington said there are enough schools and parks in the Town that essentially sex offenders would not be able to legally rent anywhere.

Town Attorney Ryan Knight spoke about having a set time frame to retain the records either six months or a year. Also spoke to the importance of clarifying the cost of getting background checks and using these data companies.

Mayor Alison Dennington expressed the importance of doing background checks no matter the cost. Also mentioned wanting the language to reflect 6 months for retaining the records.

Commissioner Tim Reed is not in favor of the 2 years, and wants the language requiring the screening.

Commissioner Robert Baldwin spoke about wanting more information first, but in favor of having a photo ID of the primary renter, and having the names of the rest of the occupants.

Town Attorney Ryan Knight spoke about not needing to know how each Commissioner will vote, but wants a framework to be able to create a draft. At the moment he will put in a requirement for background checks or screening and a 6 month retention of record.

Mayor Alison Dennington spoke about adding a definition of visitor that says someone who is only staying for less than so many consecutive hours.

Mayor Alison Dennington said if there are 35 people in a house and only 10 are occupants, if they are not violating any parking laws, there currently isn't anything that can be done to prevent a party like that.



Town Attorney Ryan Knight spoke about how he could add the language, but it will be very difficult to enforce.

Vice Mayor Dawn Barlow said if there is a noise complaint and an officer went by and there was a max of 10, but there were 12 people, that would be a code violation.

Mayor Alison Dennington said the officers could go by the house for something that was not a code violation (like a noise complaint is), for example, if they have impact windows.

Commission Anna Butler asked the Mayor why can't they have a party inside if they aren't causing a noise ordinance problem.

Mayor Alison Dennington said parties can lead to people being shot, having drugs and drunk drivers, and crime in general.

Commissioner Robert Baldwin said an idea could be that after a certain time at night there can no longer be visitors.

Vice Mayor Dawn Barlow spoke about not allowing visitors after a certain time matching the noise ordinance.

Town Attorney Ryan Knight said the easiest way to enforce this would be through a noise ordinance.

Commissioner Tim Reed spoke about tying this code to our Land Development Code. Close the door on new vacation rentals other than the ones that are grandfathered in. - 3:45:20

Town Attorney Ryan Knight spoke about the current code the way it was written, the Town cannot prohibit vacation rentals.

Mayor Alison Dennington spoke about there being two different interpretations, there is an argument that the provision prohibiting vacation rentals was not legally removed. Wants to be careful about wording in case there was that original scrivener's error.

Town Attorney Ryan Knight spoke about how the State has preempted municipalities from adding a provision to prohibit vacation rentals. Said there used to be a condition for no less than 7 day rentals, but that was taken out.

Commissioner Robert Baldwin spoke about page 33-34 about code enforcement violations that have not gone to the magistrate yet, but the property is sold.

Town Attorney Ryan Knight said if they are selling to someone else, they are required to disclose if there is a code violation and if there are any liens.

Mayor Alison Dennington said it would be an alleged violation and they would be able to sell the property without any issues. Spoke about striking 74-21 (A).

Commissioner Robert Baldwin spoke about the 1 hour timeframe for responses. What happens if they do not respond within that time frame? What do we gain by shortening the time from 3 hours to 1 hour?

Town Attorney Ryan Knight said it would be a code violation if they did not reply within 1 hour. Said there is no requirement to respond in person.

Mayor Alison Dennington spoke about how 1 hour is pretty tight. Maybe a better time would be 2 hours, and requiring a response either in person or in writing. Thinks shortening the time frame could make the person responding live closer. Wants to define respond, thinks it is important to have something in writing.

Commissioner Anna Butler said that Bruce Larson's copy says a record shall be kept by the town of the complaint and the responsible party's response as applicable.

***Devin Compo – 608 Mango Dr – Spoke about how everything should be documented through the platform to be able to monitor. 4:02:22***

Mayor Alison Dennington said this matter would have to be off platform anyways because it is a complaint to the Commission, not a host responding to a guest.

Town Attorney Ryan Knight said in section 1, that also addresses the responsible party, perhaps that could be combined with subsection F or revise the wording to say it applies to life safety, noise, and parking.

Vice Mayor Dawn Barlow said if there is a requirement that responses be in writing then we have to insert the email address with which to remit that.

***Bruce Larson – 1507 Pine St – Spoke about adding the language on page 32 section 74-16 (D), page 44 section (E), there is a lot of cleanup to the language that needs to be done.***

Town Attorney Ryan Knight spoke about how it would depend on the magistrate, but legally there wouldn't be an issue. Said there will be notice requirements, cannot just say something is irreparable. Said there is no timeline difference, it is just a matter of notifying the party.

Mayor Alison Dennington spoke about a case where they sent the notice of violation as a letter as well as the notice of hearing as a letter, then you have 30 days till there is a hearing (as opposed to waiting multiple months or even years).

The Commission thanked Bruce Larson for his efforts on this issue.

#### C. Discussion on impact fees for short term rentals – Mayor Alison Dennington – 4:12:54

Mayor Alison Dennington spoke about how the State is going to preempt impact fees. Proposed adding a one time impact fee. If we want to change it, we must do it now.

Town Attorney Ryan Knight said the impact fee would not apply in this type of situation.

D. Discussion on the proposed noise ordinance changes – Town Attorney Ryan Knight – 4:16:42

Town Attorney Ryan Knight said the time was 7:00 AM - 10:00 PM. Said enforcement would be an issue for 8:00 PM. Said the noise did not apply to fireworks/4th of July.

Commissioner Tim Reed had two comments, the first was having an exemption for generator usage for power outages. The second was regarding the exemptions for agriculture equipment, suggested landscaping equipment might be better language and could define that as mowers, blowers, etc.

Mayor Alison Dennington spoke about 48-7, there needs to be a process and anytime the Manager can issue a waiver, it should require a prior written request and a written approval. Said she would specifically like to add the word prior.

Town Attorney Ryan Knight said section 48-7A covers that.

Vice Mayor Dawn Barlow requested to allow public comment at this point to help inform the Commission about the topics they are speaking about now such as noise.

***Kim Collins – 402 Sunset Blvd*** – Asked to include a definition or examples of what the allowed noise is, does this override the short term rental ordinance, happy vibrant active individuals of all ages do not need to be limited to 8:00 PM. In the summer at 9:00 PM it is still twilight. Graduation parties, baby showers, and anniversaries go beyond 8:00 PM. Why effect the entire Town if the issue is just short term rentals. - 4:26:50

Commissioner Robert Baldwin spoke about liking some things in the Brevard County ordinance that was just redone last year. One big difference is Melbourne Beach measures from the property line, and the County measures 300 feet from the property line. If you have a regular conversation along the property line you could be in violation.

Town Attorney Ryan Knight spoke about how that is in regards to a plainly audible volume because Code Enforcement does not have a decibel reader. To issue a citation, the officer would have to be 300 ft. away and hear noise, at night that would be 150 feet.

Mayor Alison Dennington said that this ordinance applies to everyone, so it cannot be too strict.

Vice Mayor Dawn Barlow confirmed that the noise ordinance today does not apply to commercial.

Mayor Alison Dennington spoke about wanting to measure from the front property line.

Commissioner Anna Butler said that is where time comes into play, if it's after 10:00 PM, let's all be at a reasonable volume.

Town Attorney Ryan Knight said the ordinance does not stipulate where to take the measurement from, but a memo to the police could be done.

Deputy Police Chief Matthew Smith spoke about having some specifics to it, so it is not left only to discretion.

Commissioner Tim Reed asked who gets cited when it is a vacation rental, the tenant of the property or the owner of the property. - 4:42:40

Town Attorney Ryan Knight said the owner would be cited, and it would be their responsibility to contact the renters. Said he would draft a memo for the officers that says what the ordinance says so there would be procedures.

Commissioner Tim Reed asked about the equipment that would need to be purchased.

Town Attorney Ryan Knight said the equipment is about \$100-\$150 dollars per unit and they would need to be calibrated, and the officer should take multiple readings as a verification.

Commissioner Tim Reed said that having a memo addressing the enforcement would be important.

Commissioner Robert Baldwin asked what the difference would be between the STR noise.

Town Attorney Ryan Knight spoke about how their STR noise is 74-39 and a time component could be added.

Mayor Alison Dennington said the language no person in or around is vague.

Vice Mayor Dawn Barlow suggested saying within the property lines.

***Mark McBride – 310 Second Ave – Spoke about how that language was taken from Cocoa Beach and they do not have a time. There are noise issues with Airbnbs all the time, not on a limited bases. Keep the Cocoa Beach language. Do not have the same time as the rest of the Town.***

Town Attorney Ryan Knight said the provisions of the section are in addition to noise regulations generally applicable to the Town.

Commissioner Robert Baldwin spoke about adding the same exemptions in both noise sections, such as generators, landscaping equipment, and fireworks.

Commissioner Tim Reed asked about the special permits section 48-7, is this requiring a resident to submit them or anyone coming into town?

Town Attorney Ryan Knight said that an owner would have to get the permit.

Mayor Alison Dennington spoke about there being a special use permit that might conflict with the relief provision. Spoke about page 60 strike section (b) about issuance of a license. Spoke about page 60 Penalties, add language to allow code enforcement process.

Town Attorney Ryan Knight said this has to be on public property, cannot be applicable to private residences, used for something like a parade.

Mayor Alison Dennington asked what was the meaning of unless a license has been issued. Does not like the word license. Would be happy to get rid of that altogether.

Town Attorney Ryan Knight said in this section it is referring to a license for a loudspeaker.

Commissioner Robert Baldwin asked if the noise regulation first reading could be at the regular meeting on Wednesday.

Town attorney Ryan Knight said he thought it should be done at the same time as short term rental.

Vice Mayor Dawn Barlow said the realistic update is targeting the January meeting.

Town Attorney Ryan Knight said that as long as there are 10 days between the meetings for the first and second readings, having a special meeting for one would be fine.

The Commission discussed schedule changes for the regular meeting in January and when to have the special meeting.

***Gail Gowdy – 215 Ash Ave – Spoke about how it would be a disservice to the public if you do not have it at a regular meeting. - 5:10:30***

The Commission agreed to have the first reading at the January regular meeting then call a special meeting for the second reading.

**Commissioner Robert Baldwin made a motion to schedule a special meeting for the second reading on January 27<sup>th</sup> followed by a workshop; Commissioner Tim Reed seconded; Motion carried 5-0.**

- E. Discussion to summarize and review all open topics with a commitment to utilizing the task list in the Town Commission packet – Vice Mayor Dawn Barlow – 5:17:20

Vice Mayor Dawn Barlow spoke about compiling a summary of the outstanding projects. One idea that does not need to be on the task list is if the Town Manager included, as part of her monthly report, updates on the advisory boards. Don't need to finalize anything today, but it's a good opportunity for everyone to review and come to an agreement.

Mayor Alison Dennington appreciates Dawn Barlow's efforts on this. Spoke about adding a section somewhere of requests to the Town Manager. Asked for a definition of task list.

Vice Mayor Dawn Barlow suggested calling it a topics list instead of task list.

Commissioner Anna Butler spoke about this being an ongoing document that gets updated every meeting.

Mayor Alison Dennington spoke about a few days after each meeting getting an email from the Town Manager of the requests made during the meeting.

Town Attorney Ryan Knight said you can call the task list whatever you want, does not need a vote or anything like that.

Commissioner Robert Baldwin spoke about amending the vacation rental fee schedule.

Commissioner Tim Reed spoke about whether it might be premature to have this discussion prior to the approval of the STR ordinance.

Commissioner Robert Baldwin spoke about being generally in favor of \$100 per bedroom.

Mayor Alison Dennington spoke about getting input from the Building Official and Fire Chief on the amount of time it takes to do the inspection. Come up with a base amount then an additional amount per bedroom.

## **5. Public Comment**

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. Please remember to sign the sign-in sheet provided if you will be speaking at the meeting.

## **6. Adjournment**

**Commissioner Robert Baldwin moved to adjourn; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

Meeting adjourned at 11:36 pm.

**ATTEST:**

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**Alison Dennington**  
Mayor

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**Rachel Pembroke**  
Transcriptionist



# 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: Genie Gold Home Phone: 321-723-8621
2. Home Address: 405 Pelican Key MB FL 32951
3. Mobile Phone: 321-537-7786 E-mail address: Geniegold55@gmail.com
4. Business Name: \_\_\_\_\_ Business Phone: \_\_\_\_\_
5. Resume or Education & Experience: \_\_\_\_\_  
(Use additional sheets if necessary or submit resume)
6. Date of birth: 1/22/1955 (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? History Center
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 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? I have been on the board for years and see the importance of preserving Melbourne Beach History.
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: Mary Gene Gold (Genie)

Date: 1/6/25



# 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: CAROL CRISPEN Home Phone: 321-243-0312
2. Home Address: 205 ELM AVE MEL BEACH
3. Mobile Phone: SAME E-mail address: BUNNY HOLIDAY 2000@GMAIL.COM
4. Business Name: \_\_\_\_\_ Business Phone: \_\_\_\_\_
5. Resume or Education & Experience: CIVIL ENGINEER (40+ YRS) - U.S. NAVY  
(Use additional sheets if necessary or submit resume) CIVILIAN 16+ YRS
6. Date of birth: \_\_\_\_\_ (to verify voter registration)  
(optional)
7. Are you a qualified elector of the town? ☒ YES ☒ NO **AB**
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 checked="" 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? LIVED IN MEL BEACH 26+ YRS  
FORMERLY SERVED ON PARKS 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: Carol Crisp

Date: 10 Jan 2025





# 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: BEN HAMMET Home Phone: 503 501 9395
2. Home Address: 1350 ATLANTIC ST. #5
3. Mobile Phone: \_\_\_\_\_ E-mail address: webkentsurferx@gmail.com
4. Business Name: \_\_\_\_\_ Business Phone: \_\_\_\_\_
5. Resume or Education & Experience: SOME UNIVERSITY  
(Use additional sheets if necessary or submit resume)
6. Date of birth: 2/23/71 (optional) (to verify voter registration)
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 checked="" 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? IM very interested in being part of park 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: BEN HAMMET

Date: 1/10/25



Town of Melbourne Beach  
Finance Department

# Memo

To: Mayor, Vice Mayor and Commissioners  
From: Jennifer Kerr, Finance Manager  
Date: January 08, 2025  
Re: December Fiscal Year 2025

We are in the third month of our fiscal year 2025. The target expenditure rate for December is 25.00%. All departments are doing well keeping their total expenditure budget within the target rate. 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 39.22%. The higher rate than the target rate is due to capital items being purchased early in the new Fiscal Year. The Departmental expenditure rate breakdown is as follows:

Legislative:	20.74%
Executive:	21.39%
Finance:	20.33%
Legal:	14.12%
Planning:	02.32%
General Services:	37.06%
Law Enforcement:	27.19%
Fire:	41.32%
Code:	02.77%
Public Works:	26.06%
Grounds Keeping:	09.87%

Expenditure line items in the Finance Report that are over the budgeted amount in December:

General Fund 001 – Department 29 – Office Supplies – 001-29-520.51.00 is over by \$182.50 for the Life Safety Inspection forms for Vacation Rentals.

Ocean Park Parking Fund 172 – Parking Lot Repairs – 172-75-575.53.15 is over by \$4,690.00 due to parking lot repairs needed at Ocean Park.

Ryckman Park Parking Fund 175 – Christmas Decorations – 175-75-575.48.53 is over by \$2,635.76 due to the purchase of new LED Christmas lights for the tree in the park and supplies for the Tree Lighting event.

Line items that were over the budgeted amount and previously addressed in the November Report are not discussed in this report.

The individual line items going over their budgeted amounts do not affect the bottom line. The Town is still within the approved budget.



Town of Melbourne Beach  
Finance Department

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**Discussion Items:**

The Town received Parking Revenue for December FY2025 in the amount of \$8,644.06.  
Parking revenue for December FY2024 was \$8,377.56.

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

A copy of the Attorney's monthly invoice is provided with the Finance Report.

REVENUE AND EXPENDITURE FOR TOWN OF MELBOURNE BEACH  
Balance As Of 12/31/2024

Fund: 001 GENERAL FUND

Account Category: Revenues	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-00-311.00.00	AD VALOREM TAXES	2,830,233.00	2,830,233.00	0.00	493,129.03	82.58
001-00-312.41.00	LOCAL OPTION COUNTY GAS TAX	136,000.00	136,000.00	0.00	129,413.66	4.84
001-00-314.10.00	UTILITY SERVICES TAX FPL	285,000.00	285,000.00	0.00	228,516.69	19.82
001-00-314.30.00	UTILITY SERVICES TAX WATER	60,000.00	60,000.00	0.00	50,788.03	15.35
001-00-314.40.00	UTILITY SERVICES TAX GAS	0.00	0.00	0.00	(4.30)	100.00
001-00-314.40.10	UTILTIY GAS TAX AMERIGAS	7,000.00	7,000.00	0.00	5,507.05	21.33
001-00-314.40.20	UTILITY GAS TAX SUBURBAN	1,000.00	1,000.00	0.00	986.42	1.36
001-00-314.40.30	UTILTIY GAS TAX FERRELL	3,000.00	3,000.00	0.00	2,101.95	29.94
001-00-314.40.40	UTILITY GAS TAX SAM'S GAS	300.00	300.00	0.00	40.05	86.65
001-00-315.00.00	COMMUNICATIONS SERVICE TAX	145,000.00	145,000.00	0.00	128,679.30	11.26
001-00-316.00.00	OCCP. LIC	16,000.00	16,000.00	0.00	5,083.05	68.23
001-00-323.10.00	FRANCHISE FEES FPL	216,000.00	216,000.00	0.00	195,303.20	9.58
001-00-323.70.00	FRANCHISE FEES SOLID WASTE	50,000.00	50,000.00	0.00	29,912.09	40.18
001-00-323.70.10	SOLID WASTE COMMERCIAL	16,000.00	16,000.00	0.00	10,471.71	34.55
001-00-329.20.00	BONFIRE PERMIT	900.00	900.00	0.00	150.00	83.33
001-00-329.50.00	LOW SPEED VEHICLE REGISTRATION	2,000.00	2,000.00	0.00	1,100.00	45.00
001-00-329.50.10	LOW SPEED VEHICLE PERMIT FEE	13,000.00	13,000.00	0.00	12,450.00	4.23
001-00-334.40.00	FMIT SAFETY GRANT	5,000.00	5,000.00	0.00	5,000.00	0.00
001-00-335.12.00	STATE REVENUE SHARING PROCEEI	106,000.00	106,000.00	0.00	80,460.77	24.09
001-00-335.15.00	ALCOHOLIC BEVERAGE LICENSES	44,000.00	44,000.00	0.00	44,000.00	0.00
001-00-335.18.00	HALF CENT SALES TAX LOCAL GOV	230,000.00	230,000.00	0.00	212,418.44	7.64
001-00-342.20.00	SAFETY INSPECT FEE VAC RENTAL	1,650.00	1,650.00	0.00	550.00	66.67
001-00-342.20.10	SAFETY RENEWAL-VAC RENTALS	2,500.00	2,500.00	0.00	1,150.00	54.00
001-00-345.10.00	VAC RENTAL APP FEE-INITIAL	5,500.00	5,500.00	0.00	1,650.00	70.00
001-00-345.10.10	VAC RENEWAL FEE - RENTALS	4,550.00	4,550.00	0.00	1,350.00	70.33
001-00-349.00.29	LIEN SEARCH REQUEST	1,260.00	1,260.00	0.00	510.00	59.52
001-00-361.10.00	INTEREST ON INVESTMENTS	23,000.00	23,000.00	0.00	18,569.04	19.27
001-00-369.00.00	MISCELLANEOUS REVENUE	3,200.00	3,200.00	0.00	3,049.49	4.70
001-00-369.00.49	INSURANCE RECOVERY	100.00	100.00	0.00	100.00	0.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-00-381.00.00	TRANSFERS IN	3,800.00	3,800.00	0.00	3,800.00	0.00
						60.44
Department: 21 LAW ENFORCEMENT						
001-21-312.52.00	INSURANCE PREMIUM TAX	52,500.00	52,500.00	0.00	52,500.00	0.00
001-21-337.20.00	SCHOOL RESOURCE OFFICER	72,000.00	72,000.00	0.00	36,000.00	50.00
001-21-337.90.01	OTHER GRANTS	5,000.00	5,000.00	0.00	5,000.00	0.00
001-21-347.90.01	SPECIAL EVENTS	1,000.00	1,000.00	0.00	1,000.00	0.00
001-21-351.00.00	FINES - LAW ENFORCEMENT	5,000.00	5,000.00	0.00	2,433.07	51.34
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	162.00	19.00
001-21-369.00.00	MISCELLANEOUS REVENUE	0.00	0.00	0.00	(7.00)	100.00
						28.35
Department: 22 FIRE CONTROL						
001-22-322.30.00	FIRE PROTECTIVE SERVICES	4,500.00	4,500.00	0.00	2,750.00	38.89
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	300.00	300.00	0.00	300.00	0.00
						35.71
Department: 29 CODE ENFORCEMENT						
001-29-359.00.00	OTHER FINES AND FORFEITURES	300.00	300.00	0.00	300.00	0.00
						0.00
Department: 41 PUBLIC WORKS						
001-41-364.10.00	DISPOSAL OF ASSETS - VEHICLES	100.00	100.00	0.00	100.00	0.00
						0.00
<b>Overall Revenue Rate:</b>						59.40
<b>Account Category: Expenditures</b>						
Department: 00						
001-00-581.00.00	TRANSFER OUT	638,114.28	638,114.28	0.00	(150.51)	100.02
					(150.51)	100.02
Department: 11 LEGISLATIVE						
001-11-500.11.00	EXECUTIVE SALARIES	16,200.00	16,200.00	0.00	12,560.04	22.47
001-11-500.12.00	REGULAR SALARIES	66,274.00	66,274.00	0.00	52,114.00	21.37

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-11-500.21.00	FICA TAXES - EMPLOYER PORTION	6,309.00	6,309.00	0.00	5,025.75	20.34
001-11-500.22.20	RETIREMENT TOWN EMPLOYEES	9,033.00	9,033.00	0.00	7,102.99	21.37
001-11-500.23.01	HEALTH INSURANCE	6,561.00	6,561.00	0.00	4,374.24	33.33
001-11-500.23.02	LIFE INSURANCE	70.00	70.00	0.00	53.11	24.13
001-11-500.25.00	UNEMPLOYMENT COMPENSATION	99.00	99.00	0.00	80.73	18.45
001-11-510.31.00	PROFESSIONAL SERVICES	18,300.00	18,300.00	0.00	18,270.00	0.16
001-11-510.40.00	TRAVEL & MEETINGS	4,465.00	4,465.00	0.00	3,621.40	18.89
001-11-510.40.10	TRAVEL & MEETINGS - STAFF	1,900.00	1,900.00	0.00	1,900.00	0.00
001-11-510.47.00	PRINTING	16,000.00	16,000.00	0.00	12,433.77	22.29
001-11-510.48.00	PROMOTIONAL ACTIVITIES	400.00	400.00	0.00	214.65	46.34
001-11-510.48.40	LEGAL NOTICES	5,000.00	5,000.00	0.00	5,000.00	0.00
001-11-510.49.50	ELECTION EXPENSE	2,000.00	2,000.00	0.00	1,742.47	12.88
001-11-510.54.00	DUES & SUBSCRIPTIONS	830.00	830.00	0.00	300.49	63.80
001-11-510.54.10	TRAINING & SCHOOLS	3,540.00	3,540.00	0.00	2,965.00	16.24
001-11-543.00.00	LICENSES & FEES	40,436.00	40,436.00	0.00	28,721.87	28.97
						20.74

## Department: 12 EXECUTIVE

001-12-500.12.00	REGULAR SALARIES	159,118.00	159,118.00	0.00	125,200.86	21.32
001-12-500.21.00	FICA TAXES - EMPLOYER PORTION	12,173.00	12,173.00	0.00	9,335.90	23.31
001-12-500.22.01	RETIREMENT - ICMA	21,592.00	21,592.00	0.00	18,125.49	16.05
001-12-500.22.20	RETIREMENT TOWN EMPLOYEES	5,445.00	5,445.00	0.00	4,282.76	21.35
001-12-500.23.01	HEALTH INSURANCE	16,212.00	16,212.00	0.00	11,519.88	28.94
001-12-500.23.02	LIFE INSURANCE	916.00	916.00	0.00	743.58	18.82
001-12-500.25.00	UNEMPLOYMENT COMPENSATION	191.00	191.00	0.00	149.55	21.70
001-12-510.40.00	TRAVEL & MEETINGS	2,200.00	2,200.00	0.00	2,328.14	(5.82)
001-12-510.49.99	MISCELLANEOUS	400.00	400.00	0.00	400.00	0.00
001-12-510.52.50	GAS & OIL	2,400.00	2,400.00	0.00	1,800.00	25.00
001-12-510.54.00	DUES & SUBSCRIPTIONS	3,430.00	3,430.00	0.00	2,178.67	36.48
001-12-510.54.10	TRAINING & SCHOOLS	1,000.00	1,000.00	0.00	860.96	13.90
						21.39

## Department: 13 FINANCE

001-13-500.12.00	REGULAR SALARIES	119,630.00	119,630.00	0.00	94,511.51	21.00
001-13-500.21.00	FICA TAXES - EMPLOYER PORTION	9,152.00	9,152.00	0.00	7,210.50	21.21

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-13-500.22.20	RETIREMENT TOWN EMPLOYEES	16,306.00	16,306.00	0.00	12,823.94	21.35
001-13-500.23.01	HEALTH INSURANCE	25,604.00	25,604.00	0.00	17,069.56	33.33
001-13-500.23.02	LIFE INSURANCE	136.00	136.00	0.00	102.22	24.84
001-13-500.25.00	UNEMPLOYMENT COMPENSATION	155.00	155.00	0.00	124.35	19.77
001-13-510.32.00	AUDITING SERVICES	37,500.00	37,500.00	0.00	32,500.00	13.33
001-13-510.32.90	BANKING FEES	10,540.00	10,540.00	0.00	8,014.65	23.96
001-13-510.40.00	TRAVEL & MEETINGS	1,550.00	1,550.00	0.00	1,550.00	0.00
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	900.00	900.00	0.00	900.00	0.00
001-13-543.00.00	LICENSES & FEES	7,785.00	7,785.00	0.00	7,785.00	0.00
						20.33
Department: 14 LEGAL COUNSEL						
001-14-510.31.00	PROFESSIONAL SERVICES	106,000.00	106,000.00	0.00	88,326.67	16.67
001-14-510.31.01	CODE ENFORCEMENT ATTORNEY	19,200.00	19,200.00	0.00	19,200.00	0.00
						14.12
Department: 15 PLANNING						
001-15-510.31.00	PROFESSIONAL SERVICES	35,000.00	35,000.00	0.00	34,187.50	2.32
						2.32
Department: 16 HURRICANE EXPENSE						
001-16-520.51.00	OFFICE SUPPLIES	0.00	0.00	0.00	(915.70)	100.00
001-16-520.52.05	PROTECTIVE GEAR	0.00	0.00	0.00	(294.23)	100.00
001-16-520.52.20	TOOLS & HARDWARE	0.00	0.00	0.00	(90.00)	100.00
001-16-530.46.35	PIER MAINTENANCE	0.00	0.00	0.00	(2,394.52)	100.00
001-16-530.46.40	GROUPS MAINTENANCE	0.00	0.00	0.00	(2,319.85)	100.00
001-16-534.00.00	SOLID WASTE SERVICES	0.00	0.00	0.00	(43,500.00)	100.00
						100.00
Department: 19 GENERAL SERVICES						
001-19-500.24.00	WORKERS COMPENSATION	400.00	400.00	0.00	400.00	0.00
001-19-510.31.00	PROFESSIONAL SERVICES	3,920.00	3,920.00	0.00	2,675.00	31.76
001-19-510.31.11	SECURITY	411.00	411.00	0.00	411.00	0.00
001-19-510.34.10	JANITORIAL SERVICES	15,500.00	15,500.00	0.00	11,723.00	24.37
001-19-510.41.00	TELEPHONE	24,876.00	24,876.00	0.00	21,590.48	13.21

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-19-510.41.10	COMMUNICATION SERVICES	39,658.00	39,658.00	0.00	24,373.21	38.54
001-19-510.43.00	STREET LIGHTS	51,000.00	51,000.00	0.00	38,393.57	24.72
001-19-510.43.10	ELECTRICITY	28,000.00	28,000.00	0.00	20,486.05	26.84
001-19-510.43.20	WATER & SEWER	4,000.00	4,000.00	0.00	3,346.88	16.33
001-19-510.43.50	WASTE TAX SERVICE	2,500.00	2,500.00	0.00	(1,414.44)	156.58
001-19-510.45.00	GENERAL LIABILITY INSURANCE	91,903.00	91,903.00	0.00	49,094.00	46.58
001-19-510.45.01	FLOOD INSURANCE	6,655.00	6,655.00	0.00	6,655.00	0.00
001-19-510.45.02	PROPERTY INSURANCE	124,200.00	124,200.00	0.00	54,862.50	55.83
001-19-510.45.03	AUTO INSURANCE	11,238.00	11,238.00	0.00	5,739.00	48.93
001-19-510.46.10	OFFICE EQUIPMENT MAINTENANCE	3,588.00	3,588.00	0.00	2,892.42	19.39
001-19-510.46.15	EQUIPMENT MAINTENANCE	20,000.00	20,000.00	0.00	19,738.63	1.31
001-19-510.46.36	PEST CONTROL	3,720.00	3,720.00	0.00	2,790.00	25.00
001-19-510.51.00	OFFICE SUPPLIES	3,500.00	3,500.00	0.00	2,821.28	19.39
001-19-510.51.10	POSTAGE	1,500.00	1,500.00	0.00	1,135.00	24.33
001-19-510.52.10	JANITORIAL SUPPLIES	6,000.00	6,000.00	0.00	5,418.75	9.69
001-19-510.54.00	DUES & SUBSCRIPTIONS	400.00	400.00	0.00	400.00	0.00
001-19-510.64.01	CAPITAL OUTLAY	30,000.00	30,000.00	0.00	27,193.79	9.35
001-19-543.00.00	LICENSES & FEES	22,277.00	22,277.00	0.00	15,687.98	29.58
001-19-581.00.00	TRANSFER OUT	7,500.00	7,500.00	0.00	0.00	100.00
						37.06

Department: 21 LAW ENFORCEMENT

001-21-500.12.00	REGULAR SALARIES	739,793.00	739,793.00	0.00	577,972.07	21.87
001-21-500.12.50	HOLIDAY PAY	29,634.00	29,634.00	0.00	6,479.94	78.13
001-21-500.14.00	SALARIES OVERTIME	5,000.00	5,000.00	0.00	1,156.83	76.86
001-21-500.14.16	HURRICANE PAY	32,328.00	32,328.00	0.00	11,693.36	63.83
001-21-500.15.00	EDUCATION INCENTIVE PAY	7,150.00	7,150.00	0.00	5,180.71	27.54
001-21-500.15.01	FIRST RESPONDER	6,000.00	6,000.00	0.00	4,442.86	25.95
001-21-500.21.00	FICA TAXES - EMPLOYER PORTION	62,723.00	62,723.00	0.00	46,890.46	25.24
001-21-500.22.02	POLICE PENSION	167,850.00	167,850.00	0.00	126,850.00	24.43
001-21-500.22.20	RETIREMENT TOWN EMPLOYEES	5,443.00	5,443.00	0.00	4,865.83	10.60
001-21-500.23.01	HEALTH INSURANCE	116,155.00	116,155.00	0.00	79,271.95	31.75
001-21-500.23.02	LIFE INSURANCE	2,766.00	2,766.00	0.00	2,113.84	23.58
001-21-500.23.10	STATUTORY AD&D	1,163.00	1,163.00	0.00	1,163.00	0.00



	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-21-500.24.00	WORKERS COMPENSATION	9,398.00	9,398.00	0.00	9,398.00	0.00
001-21-500.25.00	UNEMPLOYMENT COMPENSATION	984.00	984.00	0.00	731.24	25.69
001-21-520.31.00	PROFESSIONAL SERVICES	725.00	725.00	0.00	575.00	20.69
001-21-520.34.40	DISPATCHING SERVICES	19,510.00	19,510.00	0.00	(290.00)	101.49
001-21-520.35.00	PRE-EMPLOYMENT EXPENSE	1,200.00	1,200.00	0.00	846.00	29.50
001-21-520.40.00	TRAVEL & MEETINGS	1,892.00	1,892.00	0.00	1,892.00	0.00
001-21-520.41.10	COMMUNICATION SERVICES	6,972.00	6,972.00	0.00	3,257.54	53.28
001-21-520.46.10	OFFICE EQUIPMENT MAINTENANCE	200.00	200.00	0.00	200.00	0.00
001-21-520.46.15	EQUIPMENT	11,260.00	11,260.00	0.00	10,834.01	3.78
001-21-520.46.16	RADAR CALIBRATION	550.00	550.00	0.00	387.50	29.55
001-21-520.46.20	VEHICLE MAINTENANCE	17,000.00	17,000.00	0.00	11,292.99	33.57
001-21-520.48.00	PROMOTIONAL ACTIVITIES	800.00	800.00	0.00	466.54	41.68
001-21-520.48.50	CRIME PREVENTION	500.00	500.00	0.00	500.00	0.00
001-21-520.52.00	UNIFORMS	8,500.00	8,500.00	0.00	7,051.64	17.04
001-21-520.52.05	PROTECTIVE GEAR	13,531.00	13,531.00	0.00	7,705.10	43.06
001-21-520.52.50	GAS & OIL	20,000.00	20,000.00	0.00	16,496.43	17.52
001-21-520.52.70	MEDICAL	1,014.00	1,014.00	0.00	886.55	12.57
001-21-520.52.90	OPERATING SUPPLIES	2,400.00	2,400.00	0.00	1,935.79	19.34
001-21-520.54.00	DUES & SUBSCRIPTIONS	695.00	695.00	0.00	460.00	33.81
001-21-520.54.10	TRAINING & SCHOOLS	2,900.00	2,900.00	0.00	1,820.00	37.24
001-21-520.64.01	Capital Outlay	30,121.00	30,121.00	27,379.15	2,741.85	90.90
001-21-543.00.00	LICENSES & FEES	45,580.00	45,580.00	0.00	24,126.27	47.07
						27.19

## Department: 22 FIRE CONTROL

001-22-500.12.00	REGULAR SALARIES	101,038.00	101,038.00	0.00	79,627.03	21.19
001-22-500.14.16	HURRICANE PAY	1,890.00	1,890.00	0.00	(311.65)	116.49
001-22-500.14.50	STIPEND PAYROLL	38,000.00	38,000.00	0.00	38,000.00	0.00
001-22-500.21.00	FICA TAXES - EMPLOYER PORTION	10,636.00	10,636.00	0.00	8,840.15	16.88
001-22-500.22.01	RETIREMENT - ICMA	9,753.00	9,753.00	0.00	7,413.70	23.99
001-22-500.22.20	RETIREMENT TOWN EMPLOYEES	4,019.00	4,019.00	0.00	3,139.90	21.87
001-22-500.23.01	HEALTH INSURANCE	36,795.00	36,795.00	0.00	27,117.64	26.30
001-22-500.23.02	LIFE INSURANCE	136.00	136.00	0.00	102.22	24.84
001-22-500.23.10	STATUTORY AD&D	380.00	380.00	0.00	380.00	0.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-22-500.24.00	WORKERS COMPENSATION	9,000.00	9,000.00	0.00	9,000.00	0.00
001-22-500.25.00	UNEMPLOYMENT COMPENSATION	161.00	161.00	0.00	132.69	17.58
001-22-520.31.00	PROFESSIONAL SERVICES	1,000.00	1,000.00	0.00	1,000.00	0.00
001-22-520.34.40	DISPATCHING SERVICES	5,670.00	5,670.00	0.00	4,270.00	24.69
001-22-520.35.00	PRE-EMPLOYMENT EXPENSE	744.00	744.00	0.00	699.00	6.05
001-22-520.36.00	ANNUAL PHYSICALS	2,500.00	2,500.00	0.00	2,200.00	12.00
001-22-520.40.00	TRAVEL & MEETINGS	1,000.00	1,000.00	0.00	1,000.00	0.00
001-22-520.41.10	COMMUNICATION SERVICES	1,944.00	1,944.00	0.00	1,296.00	33.33
001-22-520.46.15	EQUIPMENT	10,000.00	10,000.00	17,307.65	9,884.15	1.16
001-22-520.46.20	VEHICLE MAINTENANCE	28,000.00	28,000.00	0.00	27,207.51	2.83
001-22-520.46.30	BUILDING MAINTENANCE	2,000.00	2,000.00	0.00	2,000.00	0.00
001-22-520.51.00	OFFICE SUPPLIES	600.00	600.00	0.00	535.67	10.72
001-22-520.52.00	UNIFORMS	5,000.00	5,000.00	0.00	3,678.25	26.44
001-22-520.52.02	S.C.B.A.	4,000.00	4,000.00	0.00	1,238.36	69.04
001-22-520.52.05	PROTECTIVE GEAR	3,200.00	3,200.00	0.00	3,200.00	0.00
001-22-520.52.10	JANITORIAL SUPPLIES	1,000.00	1,000.00	0.00	908.96	9.10
001-22-520.52.20	TOOLS & HARDWARE	3,000.00	3,000.00	0.00	3,000.00	0.00
001-22-520.52.50	GAS & OIL	3,200.00	3,200.00	0.00	2,967.86	7.25
001-22-520.52.70	MEDICAL	1,400.00	1,400.00	0.00	1,400.00	0.00
001-22-520.54.00	DUES & SUBSCRIPTIONS	610.00	610.00	0.00	610.00	0.00
001-22-520.54.10	TRAINING & SCHOOLS	5,525.00	5,525.00	0.00	4,445.00	19.55
001-22-520.54.12	TRAINING MATERIALS	2,000.00	2,000.00	0.00	1,940.12	2.99
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	24,983.00	24,983.00	0.00	6,342.49	74.61
001-22-581.00.00	TRANSFER OUT	35,000.00	35,000.00	0.00	0.00	100.00
						41.32

Department: 29 CODE ENFORCEMENT

001-29-500.12.00	REGULAR SALARIES	39,520.00	39,520.00	0.00	38,447.18	2.71
001-29-500.21.00	FICA TAXES - EMPLOYER PORTION	3,023.00	3,023.00	0.00	2,845.30	5.88
001-29-500.22.20	RETIREMENT TOWN EMPLOYEES	5,363.00	5,363.00	0.00	5,114.56	4.63
001-29-500.23.10	STATUTORY AD&D	42.00	42.00	0.00	42.00	0.00
001-29-500.24.00	WORKERS COMPENSATION	300.00	300.00	0.00	300.00	0.00
001-29-500.25.00	UNEMPLOYMENT COMPENSATION	126.00	126.00	0.00	123.22	2.21

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-29-520.40.00	TRAVEL & MEETINGS	125.00	125.00	0.00	125.00	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	4,900.00	4,900.00	0.00	3,650.00	25.51
001-29-520.51.00	OFFICE SUPPLIES	0.00	0.00	0.00	(182.50)	100.00
001-29-520.51.10	POSTAGE	450.00	450.00	0.00	450.00	0.00
001-29-520.51.20	RECORDING COSTS	250.00	250.00	0.00	250.00	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	300.00	300.00	0.00	300.00	0.00
001-29-520.64.01	Capital Outlay	50,000.00	50,000.00	0.00	50,000.00	0.00
001-29-543.00.00	LICENSES & FEES	1,000.00	1,000.00	0.00	1,000.00	0.00
						2.77
Department: 41 PUBLIC WORKS						
001-41-500.12.00	REGULAR SALARIES	230,932.00	230,932.00	0.00	181,637.89	21.35
001-41-500.14.00	SALARIES OVERTIME	1,500.00	1,500.00	0.00	1,374.87	8.34
001-41-500.14.16	HURRICANE PAY	0.00	0.00	0.00	(1,740.35)	100.00
001-41-500.21.00	FICA TAXES - EMPLOYER PORTION	17,666.30	17,666.30	0.00	13,696.60	22.47
001-41-500.22.20	RETIREMENT TOWN EMPLOYEES	31,476.03	31,476.03	0.00	24,603.86	21.83
001-41-500.23.01	HEALTH INSURANCE	38,510.00	38,510.00	0.00	25,973.68	32.55
001-41-500.23.02	LIFE INSURANCE	534.00	534.00	0.00	466.16	12.70
001-41-500.23.10	STATUTORY AD&D	83.00	83.00	0.00	83.00	0.00
001-41-500.24.00	WORKERS COMPENSATION	19,796.00	19,796.00	0.00	4.50	99.98
001-41-500.25.00	UNEMPLOYMENT COMPENSATION	277.12	277.12	0.00	215.91	22.09
001-41-530.43.15	ELECTRICAL WORK	8,000.00	8,000.00	0.00	8,000.00	0.00
001-41-530.43.50	DUMP SERVICE	160.00	160.00	0.00	160.00	0.00
001-41-530.46.12	MAINTENANCE SUPPLIES	1,500.00	1,500.00	0.00	1,425.56	4.96
001-41-530.46.15	EQUIPMENT MAINTENANCE	5,000.00	5,000.00	0.00	5,000.00	0.00
001-41-530.46.20	VEHICLE MAINTENANCE	13,000.00	13,000.00	0.00	3,824.45	70.58
001-41-530.46.30	BUILDING MAINTENANCE	13,000.00	13,000.00	0.00	11,864.45	8.74
001-41-530.46.31	MAINTENANCE OLD TOWN HALL	500.00	500.00	0.00	6.00	98.80
001-41-530.46.32	RYCKMAN HOUSE	300.00	300.00	0.00	291.02	2.99
001-41-530.46.33	OLD POST OFFICE REPAIRS	300.00	300.00	0.00	300.00	0.00
001-41-530.46.35	PIER MAINTENANCE	300.00	300.00	0.00	76.15	74.62

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-41-530.46.40	GROUNDS MAINTENANCE	6,500.00	6,500.00	0.00	6,228.08	4.18
001-41-530.46.43	TREE EXPENSE	2,709.00	2,709.00	0.00	2,709.00	0.00
001-41-530.52.00	UNIFORMS	1,875.00	1,875.00	0.00	1,493.96	20.32
001-41-530.52.05	PROTECTIVE GEAR	1,000.00	1,000.00	0.00	319.96	68.00
001-41-530.52.20	TOOLS & HARDWARE	5,500.00	5,500.00	0.00	2,728.27	50.40
001-41-530.52.25	TOOL RENTALS	1,000.00	1,000.00	0.00	1,000.00	0.00
001-41-530.52.50	GAS & OIL	7,500.00	7,500.00	0.00	6,979.04	6.95
001-41-530.53.10	STREET REPAIR	9,000.00	9,000.00	0.00	8,978.41	0.24
001-41-530.53.20	STREET SIGNS	3,800.00	3,800.00	0.00	3,008.20	20.84
001-41-530.54.10	TRAINING & SCHOOLS	500.00	500.00	0.00	450.05	9.99
001-41-530.64.01	CAPITAL OUTLAY	4,000.00	4,000.00	0.00	4,000.00	0.00
						26.06
Department: 42 GROUNDS KEEPING						
001-42-530.34.91	LANDSCAPING	15,000.00	15,000.00	0.00	15,000.00	0.00
001-42-530.46.15	EQUIPMENT MAINTENANCE	3,700.00	3,700.00	0.00	3,266.52	11.72
001-42-530.46.40	GROUNDS MAINTENANCE	15,000.00	15,000.00	0.00	12,423.24	17.18
001-42-530.52.05	PROTECTIVE GEAR	200.00	200.00	0.00	200.00	0.00
001-42-530.52.20	TOOLS & HARDWARE	1,200.00	1,200.00	0.00	895.07	25.41
001-42-530.52.50	GAS & OIL	1,200.00	1,200.00	0.00	514.37	57.14
001-42-530.64.01	CAPITAL OUTLAY	4,250.00	4,250.00	0.00	4,250.00	0.00
						9.87
Overall Expenditure Rate:						39.22
Fund: 104 ENVIRONMENTAL ADVISOR						
Account Category: Revenues						
Department: 00						
104-00-271.00.99	CARRY FORWARD	12,841.27	12,841.27	0.00	12,841.27	0.00
104-00-381.00.00	TRANSFERS IN	3,000.00	3,000.00	0.00	0.00	100.00
						18.94
Account Category: Expenditures						
Department: 72 PARKS & RECREATION						
104-72-570.46.40	GROUNDS MAINTENANCE	500.00	500.00	0.00	500.00	0.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
104-72-570.46.43	TREE EXPENSE	500.00	500.00	0.00	500.00	0.00
104-72-570.49.90	ADOPT AN AREA	500.00	500.00	0.00	500.00	0.00
104-72-570.51.00	OFFICE SUPPLIES	350.00	350.00	0.00	350.00	0.00
104-72-570.52.00	UNIFORMS	80.00	80.00	0.00	80.00	0.00
104-72-570.64.01	CAPITAL OUTLAY	1,200.00	1,200.00	0.00	1,200.00	0.00
104-72-570.83.01	SUNSHINE JIM	1,500.00	1,500.00	0.00	1,500.00	0.00
						0.00

## Fund: 107 PARKS BOARD

## Account Category: Revenues

Department: 00

107-00-366.19.00	KID'S BUSINESS FAIR DONATIONS	6,500.00	6,500.00	0.00	6,500.00	0.00
107-00-381.00.00	TRANSFERS IN	1,500.00	1,500.00	0.00	(150.51)	110.03
						20.63

## Account Category: Expenditures

Department: 72 PARKS &amp; RECREATION

107-72-570.48.60	EASTER EGG HUNT	430.00	430.00	0.00	430.00	0.00
107-72-570.48.90	RECREATION PROGRAMS	2,000.00	2,000.00	0.00	1,877.52	6.12
107-72-570.48.91	KID'S BUSINESS FAIR	6,000.00	6,000.00	0.00	6,000.00	0.00
						1.45

## Fund: 125 BUILDING DEPT

## Account Category: Revenues

Department: 24 PROTECTIVE INSPECTI

125-24-322.00.00	BUILDING PERMITS	187,150.00	187,150.00	0.00	141,434.88	24.43
125-24-322.00.01	PERMIT SEARCH REQUEST	0.00	0.00	0.00	(150.00)	100.00
125-24-322.10.00	ZONING PLAN REVIEW	5,000.00	5,000.00	0.00	5,000.00	0.00
125-24-322.10.10	SITE PLAN REVIEW P&Z	7,020.00	7,020.00	0.00	7,020.00	0.00
125-24-322.20.00	BUILDING PLAN REVIEW	6,500.00	6,500.00	0.00	6,375.00	1.92
125-24-322.31.00	BOA ADVERTISING COSTS	450.00	450.00	0.00	450.00	0.00
125-24-329.00.00	OTHER LICENSES, FEES & PERMITS	11,500.00	11,500.00	0.00	8,469.50	26.35
125-24-329.00.10	BOA VARIANCE FEES	5,000.00	5,000.00	0.00	5,000.00	0.00
125-24-353.00.00	POLLUTION CONTROL	0.00	0.00	0.00	(500.00)	100.00

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
125-24-354.00.00	LOCAL ORDINANCE VIOLATION	6,000.00	6,000.00	0.00	1,342.74	77.62
125-24-369.00.00	MISCELLANEOUS REVENUE	100.00	100.00	0.00	100.00	0.00
125-24-381.00.00	TRANSFERS IN	22,000.00	22,000.00	0.00	0.00	100.00
						30.38
<b>Account Category: Expenditures</b>						
125-24-500.12.00	REGULAR SALARIES	165,324.00	165,324.00	0.00	128,240.61	22.43
125-24-500.14.00	SALARIES OVERTIME	500.00	500.00	0.00	500.00	0.00
125-24-500.14.16	HURRICANE PAY	0.00	0.00	0.00	(1,471.25)	100.00
125-24-500.21.00	FICA TAXES - EMPLOYER PORTION	12,685.54	12,685.54	0.00	9,757.75	23.08
125-24-500.22.20	RETIREMENT TOWN EMPLOYEES	22,601.81	22,601.81	0.00	17,346.81	23.25
125-24-500.23.01	HEALTH INSURANCE	12,050.52	12,050.52	0.00	8,033.68	33.33
125-24-500.23.02	LIFE INSURANCE	112.00	112.00	0.00	84.13	24.88
125-24-500.23.10	STATUTORY AD&D	42.00	42.00	0.00	42.00	0.00
125-24-500.25.00	UNEMPLOYMENT COMPENSATION	57.15	57.15	0.00	10.88	80.96
125-24-520.31.00	PROFESSIONAL SERVICES	27,167.92	27,167.92	0.00	27,167.92	0.00
125-24-520.41.10	COMMUNICATION SERVICES	390.00	390.00	0.00	195.00	50.00
125-24-520.46.20	VEHICLE MAINTENANCE	500.00	500.00	0.00	500.00	0.00
125-24-520.51.00	OFFICE SUPPLIES	75.00	75.00	0.00	(33.74)	144.99
125-24-520.51.10	POSTAGE	25.00	25.00	0.00	25.00	0.00
125-24-520.52.00	UNIFORMS	150.00	150.00	0.00	150.00	0.00
125-24-520.52.20	TOOLS & HARDWARE	100.00	100.00	0.00	100.00	0.00
125-24-520.52.50	GAS & OIL	350.00	350.00	0.00	227.68	34.95
125-24-520.54.00	DUES & SUBSCRIPTIONS	1,500.00	1,500.00	0.00	1,475.00	1.67
125-24-543.00.00	LICENSES & FEES	3,824.00	3,824.00	0.00	3,824.00	0.00
						20.72

Fund: 172 OCEAN PARK PARKING FUN

**Account Category: Revenues**

Department: 00

172-00-271.00.99	CARRY FORWARD	92,614.95	92,614.95	0.00	92,614.95	0.00
						0.00

Department: 75 TOWN PARKS

172-75-342.10.00	PARKING TICKET REVENUE	7,500.00	7,500.00	0.00	7,225.00	3.67
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	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
172-75-344.50.00	PARKING METER REVENUE	82,000.00	82,000.00	0.00	69,900.59	14.76
						13.38
Account Category: Expenditures						
172-75-500.12.00	REGULAR SALARIES	50,000.00	50,000.00	0.00	48,076.92	3.85
172-75-500.12.50	HOLIDAY PAY	2,308.00	2,308.00	0.00	2,308.00	0.00
172-75-500.14.16	HURRICANE PAY	1,730.00	1,730.00	0.00	1,730.00	0.00
172-75-500.15.01	FIRST RESPONDER	600.00	600.00	0.00	575.00	4.17
172-75-500.21.00	FICA TAXES - EMPLOYER PORTION	3,825.00	3,825.00	0.00	3,675.97	3.90
172-75-500.23.01	HEALTH INSURANCE	7,164.00	7,164.00	0.00	7,164.00	0.00
172-75-500.23.02	LIFE INSURANCE	264.00	264.00	0.00	264.00	0.00
172-75-500.23.10	STATUTORY AD&D	106.00	106.00	0.00	106.00	0.00
172-75-500.24.00	WORKERS COMPENSATION	854.00	854.00	0.00	854.00	0.00
172-75-500.25.00	UNEMPLOYMENT COMPENSATION	67.00	67.00	0.00	64.66	3.49
172-75-575.32.90	BANKING FEES	5,000.00	5,000.00	0.00	4,426.23	11.48
172-75-575.34.10	JANITORIAL CLEANING	1,800.00	1,800.00	0.00	1,350.00	25.00
172-75-575.34.91	LANDSCAPING	800.00	800.00	0.00	800.00	0.00
172-75-575.41.10	COMMUNICATIONS FEE	4,300.00	4,300.00	0.00	2,832.68	34.12
172-75-575.43.10	ELECTRICITY	2,400.00	2,400.00	0.00	1,763.81	26.51
172-75-575.43.20	WATER & SEWER	1,200.00	1,200.00	0.00	925.70	22.86
172-75-575.46.12	MAINTENANCE SUPPLIES	3,000.00	3,000.00	0.00	3,000.00	0.00
172-75-575.46.31	BUILDING MAINT RESTROOMS	950.00	950.00	0.00	939.12	1.15
172-75-575.46.40	GROUNDS MAINTENANCE	500.00	500.00	0.00	281.66	43.67
172-75-575.52.10	JANITORIAL SUPPLIES	350.00	350.00	0.00	98.93	71.73
172-75-575.52.25	TOOL RENTAL	356.00	356.00	0.00	356.00	0.00
172-75-575.53.15	PARKING LOT REPAIRS	300.00	300.00	0.00	(4,690.00)	1,663.33
172-75-575.53.20	SIGNS	300.00	300.00	0.00	300.00	0.00
172-75-575.63.03	VOLLEYBALL COURT	500.00	500.00	0.00	500.00	0.00
172-75-575.63.05	BOCCE BALL COURT	300.00	300.00	0.00	300.00	0.00
						12.33

Fund: 175 RYCKMAN CROSSOVER PAR		DESCRIPTION	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
Account Category: Revenues							
Department: 00							
175-00-271.00.99		CARRY FORWARD	51,729.86	51,729.86	0.00	51,729.86	0.00
							0.00
Department: 75 TOWN PARKS							
175-75-342.10.00		PARKING TICKET REVENUE	7,000.00	7,000.00	0.00	7,000.00	0.00
175-75-344.50.00		PARKING METER REVENUE	80,000.00	80,000.00	0.00	66,007.66	17.49
175-75-344.50.10		PARK PASS REVENUE	2,900.00	2,900.00	0.00	2,400.00	17.24
175-75-347.41.00		FOUNDER'S DAY	8,000.00	8,000.00	0.00	8,000.00	0.00
175-75-347.50.00		FACILITY RENTALS	5,000.00	5,000.00	0.00	(675.00)	113.50
175-75-347.90.01		SPECIAL EVENTS	0.00	0.00	0.00	(75.00)	100.00
							19.67
Account Category: Expenditures							
175-75-575.32.90		BANKING FEES	2,800.00	2,800.00	0.00	2,417.48	13.66
175-75-575.41.15		IPS COMMUNICATION FEE	2,400.00	2,400.00	0.00	1,650.24	31.24
175-75-575.47.00		PRINTING	1,500.00	1,500.00	0.00	397.86	73.48
175-75-575.48.10		FOUNDERS DAY	8,000.00	8,000.00	0.00	8,000.00	0.00
175-75-575.48.50		MOVIES IN THE PARK	1,350.00	1,350.00	0.00	860.00	36.30
175-75-575.48.51		FOURTH OF JULY	1,000.00	1,000.00	0.00	1,000.00	0.00
175-75-575.48.52		FALL FESTIVAL	4,000.00	4,000.00	0.00	2,053.24	48.67
175-75-575.48.53		CHRISTMAS DECORATIONS	4,500.00	4,500.00	0.00	(2,635.76)	158.57
175-75-575.50.00		RECREATION PROGRAMS	9,350.00	9,350.00	0.00	8,475.00	9.36
175-75-575.63.01		TENNIS COURT	250.00	250.00	0.00	250.00	0.00
175-75-575.63.02		BASKETBALL COURT	200.00	200.00	0.00	200.00	0.00
175-75-575.63.06		PLAYGROUND EQUIPMENT	5,000.00	5,000.00	0.00	4,990.04	0.20
175-75-575.73.00		CULTURAL SERVICES	500.00	500.00	0.00	500.00	0.00
175-75-581.00.00		TRANSFER OUT	44,500.00	44,500.00	0.00	0.00	100.00
							67.01
Fund: 351 LAND & ROAD IMPROVEME							
Account Category: Revenues							
Department: 00							
351-00-271.00.99		CARRY FORWARD	44,181.27	44,181.27	0.00	44,181.27	0.00



	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
351-00-381.00.00	TRANSFERS IN	40,000.00	40,000.00	0.00	0.00	100.00
						47.52
<b>Account Category: Expenditures</b>						
Department: 41 PUBLIC WORKS						
351-41-570.34.91	LANDSCAPING	3,000.00	3,000.00	0.00	3,000.00	0.00
351-41-570.46.40	GROUNDS MAINTENANCE	2,500.00	2,500.00	0.00	2,500.00	0.00
351-41-570.53.20	STREET SIGNS	30,000.00	30,000.00	0.00	29,569.04	1.44
351-41-570.64.01	CAPITAL OUTLAY	17,500.00	17,500.00	0.00	17,500.00	0.00
						0.81

**Parking Revenue FY Comparison**

<b>FY24</b>	<b>Oct-23</b>	<b>Nov-23</b>	<b>Dec-24</b>	<b>Jun-24</b>	<b>Jul-24</b>	<b>Aug-24</b>	<b>Sep-24</b>	<b>TOTAL</b>
<b>Ocean</b>	4,323.54	3,669.99	2,544.37					10,537.90
<b>Ryckman</b>	5,616.47	4,085.40	5,833.19					15,535.06
<b>Total</b>	9,940.01	7,755.39	8,377.56	0.00	0.00	0.00	0.00	26,072.96

<b>FY25</b>	<b>Oct-24</b>	<b>Nov-24</b>	<b>Dec-24</b>	<b>Jun-25</b>	<b>Jul-25</b>	<b>Aug-25</b>	<b>Sep-25</b>	<b>TOTAL</b>
<b>Ocean</b>	5,743.63	2,900.74	2,869.44					11,513.81
<b>Ryckman</b>	2,097.48	5,728.84	5,775.62					13,601.94
<b>Total</b>	7,841.11	8,629.58	8,645.06	0.00	0.00	0.00	0.00	25,115.75



SHEPARD, SMITH, HAND & BRACKINS, P.A.  
ATTORNEYS & COUNSELORS AT LAW

# INVOICE

Shepard, Smith, Hand & Brackins, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24214  
Date: 12-31-2024

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Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

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Matter Number:240013 - Town of Melbourne Beach - General  
Matter Name:General

## Services

Date	Atty	Description	Quantity	Rate	Total
12-03-24	RGK	Email Correspondence: Email from Elizabeth Mascaro FW: FYI - FW: Follow up to Today's Conversation	0.10	200.00	\$20.00
12-03-24	RGK	Email Correspondence: Email from Amber Brown Re Commission Workshop on December 16th	0.10	200.00	\$20.00
12-04-24	RGK	Email Correspondence: RE: Fire Extinguisher Requirements in Vacation Rentals	0.10	200.00	\$20.00
12-04-24	RGK	Email Correspondence: Email from Elizabeth Mascaro FW: Agreement w/ Indialantic FD	0.10	200.00	\$20.00
12-04-24	RGK	Email Correspondence: Emails with Robert Bitgood RE: Vacation rental proposed changes.	0.20	200.00	\$40.00
12-05-24	RGK	Email Correspondence: Email from Chief Brown RE: Vacation rental proposed changes.	0.50	200.00	\$100.00
12-05-24	RGK	Email Correspondence: Email from Robert Bitgood RE: Vacation rental proposed changes.	0.10	200.00	\$20.00
12-05-24	RGK	Email Correspondence: Emails with Elizabeth Mascaro and Commissioner Reed FW: Agreement w/ Indialantic FD	0.10	200.00	\$20.00

12-08-24	RGK	Email Correspondence: Email and attachments from Bruce Larson Re Input to include in the packet for Dec 16 Workshop	0.30	200.00	\$60.00
12-09-24	RGK	Email Correspondence: Email from Bruce Larson Re Resend of the document for Workshop packet	0.10	200.00	\$20.00
12-09-24	RGK	Email Correspondence: Emails with Chief Zander RE: Noise Ordinance	0.20	200.00	\$40.00
12-09-24	RGK	Email Correspondence: Email to Chief Zander RE: Noise Ordinance	0.10	200.00	\$20.00
12-09-24	RGK	Email Correspondence: Email from Amber Brown FW: Information Request from FLC website and Charter Review Resources	0.10	200.00	\$20.00
12-10-24	RGK	Research and review impact fee requirements, procedures for adopting impact fees and applicability to STRs	1.10	200.00	\$220.00
12-11-24	RGK	Phone conference with Amber Brown and Elizabeth Mascaro Re upcoming agenda items for STR workshop and regular Commission meeting	0.50	200.00	\$100.00
12-13-24	RGK	Phone conference with Amber Brown Re Charter Review Resolution	0.10	200.00	\$20.00
12-13-24	RGK	Email Correspondence: Email to Amber Brown Re Charter Review Resolution	0.10	200.00	\$20.00
12-15-24	RGK	Review RFQ for Consulting Services for Civil, Utility and Stormwater Engineering, Survey, Geotechnical and Architectural Services; research and review Fla Stat 287.055 for CCNA requirements	1.40	200.00	\$280.00
12-16-24	RGK	Review agenda packet for Town Commission Workshop on 12/16/24	0.50	200.00	\$100.00
12-16-24	RGK	Attend Commission Special Meeting	5.70	200.00	\$1,140.00
12-17-24	RGK	Review Regular Commission Meeting agenda packet in preparation for meeting on 12/18	1.20	200.00	\$240.00
12-18-24	RGK	Begin draft memorandum on short term rental preemption and Town Code/LDC language	1.60	200.00	\$320.00
12-18-24	RGK	Prepare for and attend Commission meeting	5.70	200.00	\$1,140.00
12-26-24	RGK	Research and review AGOs on CCNA and procedural requirements Re BSE continuing contract and RFQ process	1.20	200.00	\$240.00
12-27-24	RGK	Email Correspondence: Emails from Elizabeth Mascaro and Mayor Dennington FW: DO NOT respond - FYI only Fw: CSS Proposal for Assistance with Grants	0.20	200.00	\$40.00
12-30-24	RGK	Draft initial memorandum and welcoming memorandum for Advisory Committee; legal requirements for Charter amendments and process of amending Charter; prepare Sunshine Law presentation; draft initial agenda and proposed schedule	4.20	200.00	\$840.00

Services Subtotal: \$5,120.00

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Subtotal	\$5,120.00
Total	\$5,120.00
Payment	\$0.00
Balance Owing	\$5,120.00

---

Trust Account Balance \$0.00

Total Matter Balance \$5,120.00

Tax ID #32-0242557

Payable upon receipt. Please remit payment to: Shepard, Smith, Hand & Brackins, P.A.. To pay by credit card, debit card or eCheck please use the link below.

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ATTORNEYS & COUNSELORS AT LAW

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Shepard, Smith, Hand & Brackins, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24215  
Date: 12-31-2024

---

Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

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Matter Number: 240208 - Town of Melbourne Beach - Building  
Matter Name: Building

## Services

Date	Atty	Description	Quantity	Rate	Total
12-06-24	RGK	Email Correspondence: Emails with Robert Bitgood and Chief Brown RE: Vacation rental proposed changes.	0.20	200.00	\$40.00
12-19-24	RGK	Email Correspondence: Email from Robert Bitgood Re Duties of a Building Official according to State Statutes	0.10	200.00	\$20.00
12-20-24	RGK	Phone conference with Robert Bitgood Re Conference with Corey O'Gorman	0.10	200.00	\$20.00

Services Subtotal: \$80.00

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Subtotal	\$80.00
Total	\$80.00
Payment	\$0.00
Balance Owning	\$80.00

---

Trust Account Balance \$0.00

Total Matter Balance \$80.00

Tax ID #32-0242557

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2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24216  
Date: 12-31-2024

---

Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

---

Matter Number: 240209 - Town of Melbourne Beach - Elected Officials  
Matter Name: Elected Officials

## Services

Date	Atty	Description	Quantity	Rate	Total
12-03-24	RGK	Email Correspondence: Emails from Mayor Dennington and Robert Bitgood RE: Citizen issue stopped by Mayors hours - Re Tree issue, permit put in by Tree Co	0.20	200.00	\$40.00
12-03-24	RGK	Phone conference with Mayor Dennington Re Commission workshop on AirBnb rentals and noise ordinance	0.70	200.00	\$140.00
12-10-24	RGK	Email Correspondence: Emails from Mayor Dennington and Elizabeth Mascaro RE: Resend of the document for Workshop packet	0.20	200.00	\$40.00
12-10-24	RGK	Email Correspondence: Emails with Mayor Dennington and Amber Brown RE: Request	0.30	200.00	\$60.00
12-11-24	RGK	Email Correspondence: Emails with Mayor Dennington Re Task List Emails	0.20	200.00	\$40.00
12-11-24	RGK	Email Correspondence: Email from Mayor Dennington Re: Request for Agenda List Emails	0.10	200.00	\$20.00
12-11-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: BSE engineering	0.10	200.00	\$20.00
12-15-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: BSE engineering	0.20	200.00	\$40.00



12-16-24	RGK	Email Correspondence: Email from Mayor Dennington Re: BSE engineering	0.10	200.00	\$20.00
12-16-24	RGK	Email Correspondence: Email from Mayor Dennington Re: BSE engineering	0.10	200.00	\$20.00
12-17-24	RGK	Email Correspondence: Email from Mayor Dennington Fw: Draft Resolution supporting 2025 FLC Legislative Platform	0.10	200.00	\$20.00
12-17-24	RGK	Email Correspondence: Emails and attachments from Mayor Dennington and Amber Brown RE: Records request - emails mentioned in this 2024 doc and see pics	0.20	200.00	\$40.00
12-17-24	RGK	Email Correspondence: Emails from Mayor Dennington and Amber Brown RE: Charter review appointment	0.10	200.00	\$20.00
12-18-24	RGK	Email Correspondence: Email from Mayor Dennington Re: Basin Maps and Basin 1	0.10	200.00	\$20.00
12-18-24	RGK	Email Correspondence: Email to Mayor Dennington RE: Basin Maps and Basin 1	0.10	200.00	\$20.00
12-18-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: BSE engineering	0.30	200.00	\$60.00
12-18-24	RGK	Email Correspondence: Email from Mayor Dennington Re: BSE engineering	0.10	200.00	\$20.00
12-24-24	RGK	Email Correspondence: Email from Mayor Dennington Fw: Still outstanding - update requested	0.10	200.00	\$20.00
12-24-24	RGK	Email Correspondence: Email from Mayor Dennington Re FYI - re illegal no-contract debacle with bse and CCNA issue	0.10	200.00	\$20.00
12-24-24	RGK	Email Correspondence: Email from Mayor Dennington Re Acquisition NOT a rumor but true - see article - BSE engineering - LJA Expands Southeast Reach with Aquisition of Florida-Based BSE Consultants,	0.10	200.00	\$20.00
12-24-24	RGK	Email Correspondence: Email from Mayor Dennington Re CCNA bse - illegal contract not in compliance with CCNA = no payments not even under equitable quasi-k theory fyi	0.10	200.00	\$20.00
12-24-24	RGK	Email Correspondence: Email from Mayor Dennington Re Request - all town issued, paid or reimbursed cell phones, laptops, phone numbers, email addresses, and other messaging addresses	0.10	200.00	\$20.00
12-26-24	RGK	Email Correspondence: Emails from Mayor Dennington and Jennifer Kerr RE: Still outstanding - update requested	0.20	200.00	\$40.00
12-27-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: Acquisition NOT a rumor but true - see article - BSE engineering - LJA Expands Southeast Reach with Aquisition of Florida-Based BSE Consultants,	0.20	200.00	\$40.00
12-31-24	RGK	Email Correspondence: Emails from Amber Brown and Mayor Dennington RE: Request - all town issued, paid or reimbursed cell phones, laptops, phone numbers, email addresses, and other messaging addresses [#146096]	0.10	200.00	\$20.00

Services Subtotal: \$840.00

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Subtotal	\$840.00
Total	\$840.00
Payment	\$0.00
Balance Owing	\$840.00

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Trust Account Balance \$0.00

Total Matter Balance \$840.00

Tax ID #32-0242557

Payable upon receipt. Please remit payment to: Shepard, Smith, Hand & Brackins, P.A.. To pay by credit card, debit card or eCheck please use the link below.

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# INVOICE

Shepard, Smith, Hand & Brackins, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24217  
Date: 12-31-2024

---

Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

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Matter Number: 240210 - Town of Melbourne Beach - Finance  
Matter Name: Finance

## Services

Date	Atty	Description	Quantity	Rate	Total
12-03-24	RGK	Email Correspondence: Emails with Jennifer Keer RE: Building Department Overage Request	0.20	200.00	\$40.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Sale of Camry	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Engineering Services Fund 141	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Scanning Software Invoices	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Police Education Fund	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Rykman Park Parking Fund	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr RE: Single Audit Report	0.10	200.00	\$20.00
12-19-24	RGK	Email Correspondence: Email from Jennifer Kerr FW: Building Department Overage Request	0.10	200.00	\$20.00

Services Subtotal: \$180.00

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Subtotal	\$180.00
Total	\$180.00
Payment	\$0.00
Balance Owing	\$180.00

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Trust Account Balance \$0.00

Total Matter Balance \$180.00

Tax ID #32-0242557

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2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24218  
Date: 12-31-2024

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Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

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Matter Number: 240212 - Town of Melbourne Beach - Police  
Matter Name: Police

## Services

Date	Atty	Description	Quantity	Rate	Total
12-10-24	RGK	Email Correspondence: Emails with Chief Zander RE: Noise Ordinance - Real World Experience	0.20	200.00	\$40.00
12-10-24	RGK	Email Correspondence: Emails with Chief Zander RE: Noise Ordinance - Real World Experience	0.20	200.00	\$40.00

Services Subtotal: \$80.00

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Subtotal	\$80.00
Total	\$80.00
Payment	\$0.00
Balance Owning	\$80.00

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Trust Account Balance \$0.00

Total Matter Balance \$80.00

Tax ID #32-0242557

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Shepard, Smith, Hand & Brackins, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751

Invoice #: 24219  
Date: 12-31-2024

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Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

---

Matter Number: 240214 - Town of Melbourne Beach - Town Clerk  
Matter Name: Town Clerk

## Services

Date	Atty	Description	Quantity	Rate	Total
12-02-24	RGK	Email Correspondence: Emails with Amber Brown RE: Outstanding topics for Commission discussion	0.20	200.00	\$40.00
12-15-24	RGK	Email Correspondence: Emails with Amber Brown RE: Documents Regarding the RFQ for Engineering Services	0.10	200.00	\$20.00
12-17-24	RGK	Email Correspondence: Emails with Amber Brown RE: Public Records Requests	0.20	200.00	\$40.00
12-20-24	RGK	Email Correspondence: Emails with Amber Brown RE: Availability to Schedule a CRC Meeting in January	0.10	200.00	\$20.00
12-31-24	RGK	Email Correspondence: Email from Amber Brown RE: Still outstanding - update requested	0.10	200.00	\$20.00

Services Subtotal: \$140.00

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Subtotal	\$140.00
Total	\$140.00
Payment	\$0.00
Balance Owing	\$140.00

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Trust Account Balance \$0.00

Total Matter Balance \$140.00

Tax ID #32-0242557

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Maitland, FL 32751

Invoice #: 24220  
Date: 12-31-2024

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Town of Melbourne Beach  
507 Ocean Avenue  
Melbourne Beach, FL 32951

---

Matter Number: 240215 - Town of Melbourne Beach - Town Manager  
Matter Name: Town Manager

## Services

Date	Atty	Description	Quantity	Rate	Total
12-04-24	RGK	Phone conference with Elizabeth Mascaro Re Indialantic Mutual Aid Agreement	0.30	200.00	\$60.00
12-17-24	RGK	Phone conference with Elizabeth Mascaro Re STRs	0.30	200.00	\$60.00
12-18-24	RGK	Phone conference with Elizabeth Mascaro Re STRs and LDC amendments	0.50	200.00	\$100.00
12-18-24	RGK	Email Correspondence: Email from Elizabeth Mascaro RE: Basin Maps and Basin 1	0.10	200.00	\$20.00
12-31-24	RGK	Email Correspondence: Emails with Elizabeth Mascaro RE: Referendums/Stormwater/Fire Assessment	0.60	200.00	\$120.00

Services Subtotal: \$360.00

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Subtotal	\$360.00
Total	\$360.00
Payment	\$0.00
Balance Owing	\$360.00

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Trust Account Balance \$0.00

Total Matter Balance \$360.00

Tax ID #32-0242557

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## TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

### Building Department Report

DECEMBER 2024

- permits issued 26
- Construction value of the \$504,503.18 permits totaled \$8,675.07
- Total permit fees \$8,675.07
- Inspections completed 94
- Plans reviewed 26
- Site plan review for P&Z 0
- New home 0
- Stop work order 0

# Monthly Permit List

01/02/20280

1/4

## Com Building

Permit #	Applicant	Address	Fee Total	Const. Value
PCB24-0008	SPIRE BUILDING SOLUTIONS LLC CAL DUNCAN	2051 ATLANTIC ST	\$1137.75	\$91000.00
<b>Work Description:</b> concrete and crack repair (horizontal concrete deck & vertical wall). Column repair, stucco repairs, sounding at balconies, walkways. Delaminated stucco removal and replacement. Reinforced masonry restoration, patching and repairs. Waterproofing balcony areas. Rust spot (nails, screws, hooks etc) repairs. Elevated walkways entry door fastener re-seal. painting of affected areas.				

Total Permits For Type:	1
Total Fees For Type:	\$1137.75
Total Const. Value For Type:	\$91000.00

## Electrical

Permit #	Applicant	Address	Fee Total	Const. Value
PE24-0060	JOHN MCKESSEY	1700 ATLANTIC ST	\$79.00	\$1600.00
<b>Work Description:</b> REPLACE 125AMP PANEL				
PE24-0062	JAMES D KARP	209 BIRCH AVE	\$139.03	\$4500.00
<b>Work Description:</b> Replace exterior service, service cable and panel in garage				
PE24-0059	Joseph Blandino	402 HIBISCUS TRL	\$79.00	\$2000.00
<b>Work Description:</b> Replace rusted out 200 amp meter main combo unit with new 200 amp meter main combo unit				
PE24-0057	SCHULTZ, CHRISTOPHER E	503 SHANNON AVE	\$127.00	\$4100.00
<b>Work Description:</b> 2 bathroom remodel electric				
PE24-0063	SCHULTZ, CHRISTOPHER E	312 SURF RD	\$99.25	\$3175.00
<b>Work Description:</b> Replace 200amp meter can, main breaker disconnect, mask				

Total Permits For Type:	5
Total Fees For Type:	\$523.28
Total Const. Value For Type:	\$15375.00

## Fence

Permit #	Applicant	Address	Fee Total	Const. Value
PF24-0044	Carrie's Fence of Palm Bay	415 SIXTH AVE	\$153.95	\$4990.00
<b>Work Description:</b> Installing 186' of 6' tall wood fence and 44' of 4' tall aluminum fence with (1) 5' wide wood walk gate, (2) 5' wide aluminum walk gates and (1) 10' wide wood double gate.				
PF24-0042	CARTER, CHARLES	207 BIRCH AVE	\$112.00	\$3600.00
<b>Work Description:</b> Owner/Builder fence replacement - perimeter of yard				
PF24-0041	Professional Grade Fence	606 CITRUS CT	\$148.16	\$4800.00
<b>Work Description:</b> 74 ft of 6ft tall, vinyl fence. (1) 5ft wide gate				

PF24-0040	FENCE OUTLET INC	205 ELM AVE	\$135.04	\$4368.00 <sup>81</sup>
<b>Work Description:</b> Install 15' of 6' high Aluminum picket fence with 2 5' wide gates and install 65' of 5' high Aluminum picket fence with no gates				
PF24-0043	TINNON, JEFF	2003 OAK ST	\$79.00	\$1497.00
<b>Work Description:</b> 33 ft of 6' H white privacy pre fence with no gates				
PF24-0046	SUPERIOR FENCE & RAIL OF BREVARD COUNTY INC	505 POINSETTIA RD	\$99.14	\$3171.17
<b>Work Description:</b> install 31' of 6' wood fence w/1-10' DD gate				

<b>Total Permits For Type:</b>	<b>6</b>
<b>Total Fees For Type:</b>	<b>\$727.29</b>
<b>Total Const. Value For Type:</b>	<b>\$22426.17</b>

## Mechanical

Permit #	Applicant	Address	Fee Total	Const. Value
PM24-0095	David Mastrodonardo	611 MANGO DR	\$222.78	\$7245.00
<b>Work Description:</b> Replace existing AC system				

<b>Total Permits For Type:</b>	<b>1</b>
<b>Total Fees For Type:</b>	<b>\$222.78</b>
<b>Total Const. Value For Type:</b>	<b>\$7245.00</b>

## Paver, Concrete, & Deck

Permit #	Applicant	Address	Fee Total	Const. Value
PCD24-0032	DAYBREAK CONCRETE CONSTRUCTION LLC	1508 PINE ST	\$922.50	\$70000.00
<b>Work Description:</b> Install 1532 square foot of new concrete driveway. Install clay brick pavers at apron and center of driveway. all new concrete to be 6" tick				

<b>Total Permits For Type:</b>	<b>1</b>
<b>Total Fees For Type:</b>	<b>\$922.50</b>
<b>Total Const. Value For Type:</b>	<b>\$70000.00</b>

## Plumbing

Permit #	Applicant	Address	Fee Total	Const. Value
PP24-0028	Keiser, Steven G.	1606 ATLANTIC ST 4	\$261.38	\$8500.00
<b>Work Description:</b> update master bath				
PP24-0029	AMY SEWELL RICKMAN TRUST	303 SUNSET BLVD	\$691.89	\$7500.00
<b>Work Description:</b> Replace shower; shower pan, tile wall, new durock				

<b>Total Permits For Type:</b>	<b>2</b>
<b>Total Fees For Type:</b>	<b>\$953.27</b>
<b>Total Const. Value For Type:</b>	<b>\$16000.00</b>

## Pool Resurface

Permit #	Applicant	Address	Fee Total	Const. Value
PPR24-0009	INTERCOASTAL POOL AND SPA	405 RIVER VW	\$889.50	\$5850.00
Work Description: resurface pool				

**Total Permits For Type:** 1  
**Total Fees For Type:** \$889.50  
**Total Const. Value For Type:** \$5850.00

## Reroof

Permit #	Applicant	Address	Fee Total	Const. Value
PPR24-0069	RALPH CARPENTER ROOFING INC	411 SURF RD	\$388.48	\$17900.00
Work Description: Reroof: Remove and replace shingles & impact glass skylight 3sq flat roof 1 high				

**Total Permits For Type:** 1  
**Total Fees For Type:** \$388.48  
**Total Const. Value For Type:** \$17900.00

## Res Building

Permit #	Applicant	Address	Fee Total	Const. Value
PRB24-0031	GROUNDEN BUILDS BREVARD, LLC	412 MAGNOLIA AVE	\$1870.63	\$225000.00
Work Description: SFR RENOVATION/ADDITION				
PRB24-0033	AYCOCK, ROBERT E	503 SHANNON AVE	\$139.03	\$4500.00
Work Description: remodel bath. drywall and tile tub and shower				

**Total Permits For Type:** 2  
**Total Fees For Type:** \$2009.66  
**Total Const. Value For Type:** \$229500.00

## Shed

Permit #	Applicant	Address	Fee Total	Const. Value
PSH24-0011	TAYLOR, BRIAN	302 SIXTH AVE	\$124.00	\$4000.00
Work Description: shed being built				

**Total Permits For Type:** 1  
**Total Fees For Type:** \$124.00  
**Total Const. Value For Type:** \$4000.00

## Tree

Permit #	Applicant	Address	Fee Total	Const. Value
PTR24-0015	JENKINS TREE SERVICE	424 AVENUE B	\$0.00	\$0.01
Work Description: removal of sick/broken limbs, over a 1/3 of crown damage from storm.				

**Total Permits For Type:** 1  
**Total Fees For Type:** \$0.00

Total Fees For Type:	\$0.00
Total Const. Value For Type:	\$0.01 <sup>83</sup>

## Window, Door, and Shutter Permit

Permit #	Applicant	Address	Fee Total	Const. Value
PWS24-0115	FLORIDA WINDOW & DOOR	403 ANDREWS DR	\$289.88	\$9427.00
<b>Work Description:</b> To install 4 impact windows				
PWS24-0114	EAST COAST SHUTTER, INC	805 ATLANTIC ST	\$125.20	\$4040.00
<b>Work Description:</b> Installation of Hurricane shutters				
PWS24-0116	CN ROMACK, INC	1700 ATLANTIC ST	\$182.87	\$5940.00
<b>Work Description:</b> Unit 15 Replace existing exterior front door and rear door size foe size				
PWS24-0119	NEIGHBORHOOD WINDOWS AND DOORS	207 ELM AVE	\$178.61	\$5800.00
<b>Work Description:</b> Replace windows and garage service door				

Total Permits For Type:	4
Total Fees For Type:	\$776.56
Total Const. Value For Type:	\$25207.00

Grand Total Fees:	\$8,675.07
Grand Total Permits:	26.00
Grand Total Const. Value:	\$504503.18

## Public Works Activities

December 2025

This report does not provide details on the normal daily activities that the team members perform. Rather, it identifies those special projects or assignments in which the team is involved in addition to normal activities.

As the Holiday Season ends all of the lights and displays had to be taken down. Once the items are recovered they are packed away and stored in the storage connex box located in our storage yard. After the wreaths on the light post were removed the hanging banners were placed back up.

We also responded to multiple “road kill” calls. The deceased animal is removed and disposed of.

A small modification at one of the stormwater inlets in the 500 block of Harlan was completed.

The entire Team completed an OSHA course on safe use of the wielding cutter that we use from time to time cut badly rusted bolts or other steel fasteners as needed.

Trimming of the growth at all of the beach assesses nearing completion.

Replaced the hand dryer unit at Ocean Park restroom – normal wear caused failure

As the year ended we did a very detailed annual reorganization of our two PW shops. This lends to a more efficient and safe work space.

A suspicious area where the pavement seemed to have sunken near a stormwater inlet in 500 block of Ocean Avenue was opened and investigated. All of the underground piping was found in good condition. With that being the findings it was determined that the ground had settled as does often in our soil composition.

Repaired a 2 foot section of curbing on 2<sup>nd</sup> Avenue just east of Pine Street.

Placed traffic cones/barricades for Christmas Parade

Repaired pulley on the flag pole at Ocean Ave. beach turn around

Installed large coquina rock along the seawall at 6<sup>th</sup> avenue. This action was taken due to the continued failing of that seawall. Placing of these rocks breaks the waves that lash against the seawall and reduces the impact on the wall.

Maintenance of the beach fire pit completed after each use as needed.

Repaired a 3 ft. section of asphalt edge on 4<sup>th</sup> ave.



Repaired a broken rail piece on the beach crossover 3<sup>rd</sup> Ave.

Relocated file cabinets in Town Hall

Trimmed and shaped the sea grapes that line the northern edge of Ocean Park

Trimmed back a large bush that was hanging near the road at Sunset and Oak Street

Replaced a circuit breaker in Ryckman Park – normal wear

Used grinder to remove trip hazards on various sidewalks Redwood

Followed up with Brevard County ref. school zone light on Oak. – success at last it is up

Replaced one of the railing lights on the pier. Broken which does not happen often since we installed the heavier grade of lights a few years ago

# COMPLAINT LIST

01/10/2025

1/2

Address	Filed	Complaint		
800 PINE ST	11/18/2024	House on the corner of Pine and Avenue B has not mowed their lawn in months. Grass is nearly waist deep.		
<b>Enf #:</b> ECE24-0247	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Lawns - Overgrowth	<b>Inspector:</b> Robert Trantham	
202 SHANNON	12/04/2024	multiple vehicles in yard. motor home on the side 2 kayaks.		
<b>Enf #:</b> ECE24-0253	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Trailers, Boats, and Recreational Vehicles	<b>Inspector:</b> Robert Trantham	
200 RIVERSIDE DR	12/12/2024	Political signs in violation of Town Ordinance		
<b>Enf #:</b> ECE24-0251	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Signs	<b>Inspector:</b> Robert Trantham	
207 RIVERSIDE DR	12/12/2024	political sign in yard, violation of Town ordinance		
<b>Enf #:</b> ECE24-0252	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Signs	<b>Inspector:</b> Robert Trantham	
407 CORAL AVE	12/13/2024	unregistered vacation rental		
<b>Enf #:</b> ECE24-0254	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Short Term Rental Violations	<b>Inspector:</b> Code Officer	
319 THIRD AVE	12/13/2024	UNREGISTERED VACATION RENTAL		
<b>Enf #:</b> ECE24-0257	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Short Term Rental Violations	<b>Inspector:</b> Code Officer	
303 CHERRY DR	12/13/2024	UNREGISTERED VACATION RENTAL		
<b>Enf #:</b> ECE24-0258	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Short Term Rental Violations	<b>Inspector:</b> Code Officer	
208 CHERRY DR	12/19/2024	Unregistered vacation rental		
<b>Enf #:</b> ECE24-0259	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Short Term Rental Violations	<b>Inspector:</b> Code Officer	
207 FLAMINGO LN	01/03/2025	Interior renovations and Roof without a permit		
<b>Enf #:</b> ECE25-0261	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Building Permit Violation	<b>Inspector:</b> Robert Trantham	

# COMPLAINT LIST

01/10/2025

2/2

Address	Filed	Complaint		
514 POINSETTIA RD	01/06/2025	Large Boat and Trailer in front yard and two pickup trucks parked on grass in front yard.		
<b>Enf #:</b> ECE25-0262	<b>Status:</b> Open - Complaint Received	<b>Category:</b>	<b>Inspector:</b> Robert Trantham	
504 MAGNOLIA AVE	01/06/2025	Large Pontoon Boat and Trailer parked in driveway and front yard.		
<b>Enf #:</b> ECE25-0263	<b>Status:</b> Open - Complaint Received	<b>Category:</b>	<b>Inspector:</b> Robert Trantham	
2103 NEPTUNE DR	01/07/2025	Banners and signs on fence.		
<b>Enf #:</b> ECE25-0264	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Signs	<b>Inspector:</b> Robert Trantham	
319 THIRD AVE	01/09/2025	Unregistered vacation rental		
<b>Enf #:</b> ECE25-0266	<b>Status:</b> Open - Complaint Received	<b>Category:</b> Short Term Rental Violations	<b>Inspector:</b> Robert Trantham	

# Enforcements by Category

01/10/2025

1/2

Enforcement #	Address	Status	Filed	Closed
ECE25-0262	514 POINSETTIA RD	Open - Complaint Rec	01/06/2025	
ECE25-0263	504 MAGNOLIA AVE	Open - Complaint Rec	01/06/2025	

Total # for Category: 2

## BUILDING PERMIT VIOLATION

Enforcement #	Address	Status	Filed	Closed
ECE25-0261	207 FLAMINGO LN	Open - Complaint Rec	01/03/2025	

Total # for Category: 1

## LAWNS - OVERGROWTH

Enforcement #	Address	Status	Filed	Closed
ECE24-0245	398 RIVER VW	PENDING - Monitoring	11/12/2024	
ECE24-0247	800 PINE ST	Open - Complaint Rec	11/18/2024	

Total # for Category: 2

## SHORT TERM RENTAL VIOLATIONS

Enforcement #	Address	Status	Filed	Closed
ECE24-0249	209 CHERRY DR	PENDING - Monitoring	12/05/2024	
ECE24-0248	602 SHANNON AVE	Closed - No Violatio	12/09/2024	12/19/2024
ECE24-0254	407 CORAL AVE	Open - Complaint Rec	12/13/2024	
ECE24-0255	219 FIFTH AVE	Closed - No Violatio	12/13/2024	01/09/2025
ECE24-0256	401 HIBISCUS TRL	Open - Notice of Vio	12/13/2024	
ECE24-0257	319 THIRD AVE	Open - Complaint Rec	12/13/2024	
ECE24-0258	303 CHERRY DR	Open - Complaint Rec	12/13/2024	
ECE24-0259	208 CHERRY DR	Open - Complaint Rec	12/19/2024	
ECE24-0260	306 AVENUE B	Closed - Complied	12/19/2024	01/09/2025
ECE25-0266	319 THIRD AVE	Open - Complaint Rec	01/09/2025	

Total # for Category: 10

## SIGNS

Enforcement #	Address	Status	Filed	Closed
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# Enforcements by Category

ECE24-0250	526 AVENUE B	Closed - Complied	12/11/2024	01/09/2025
ECE24-0251	200 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	
ECE24-0252	207 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	
ECE25-0264	2103 NEPTUNE DR	Open - Complaint Rec	01/07/2025	

Total # for Category: 4

## TRAILERS, BOATS, AND RECREATIONAL VEHICLES

Enforcement #	Address	Status	Filed	Closed
ECE24-0253	202 SHANNON	Open - Complaint Rec	12/04/2024	

Total # for Category: 1

## TREES AND LANDSCAPING

Enforcement #	Address	Status	Filed	Closed
ECE24-0242	411 ATLANTIC ST	Open - Notice of Vio	11/12/2024	

Total # for Category: 1

Total # of Enforcements: 21

01/10/2025

## CUSTOM CERTIFICATE REPORT FOR TOWN OF MELBOURNE BEACH

Certificate #	Location	Certificate Type	Holder Person	Date Created	Status	Fire Inspection	Registration Fee	Comments
CVR24-0012	387 RIVER VIEW LN	Vacation Rental	JOLOWSKI, FREDERICK/ROBERT	04/18/2024	Hold	Due	Due \$800	NOV Sent
CVR24-0020	204 CHERRY DR	Vacation Rental	URHOMEINVESTMENTS LLC	08/30/2024	Hold	n/a	n/a	Pending Sale, No Listing
CVR24-0030	1505 ATLANTIC ST	Vacation Rental	MEYERS, JUSTIN & TRACEY	11/04/2024	Hold	Failed 11/13, Scheduled 1/16		
CVR24-0032	1503 ATLANTIC ST A	Vacation Rental	YOUNG, KAREN	11/08/2024	Hold	Failed 12/12		30 day rental
CVR24-0035	302 FIFTH AVE	Vacation Rental	EDILENE, TOBIAS JOHANSSON	11/12/2024	Hold	Failed 11/24, 12/27		
CVR24-0036	212 DOGWOOD AVE	Vacation Rental	FREELS, KEVIN ROBERT	11/15/2024	Hold	Failed 12/10		
CVR24-0038	228 SIXTH AVE	Vacation Rental	WELLENS, DOUGLAS M	11/25/2024	Hold	passed	Due \$800	
CVR24-0041	510 BANYAN WAY	Vacation Rental	MCGRATH, JEFFREY	11/26/2024	Hold	Failed 12/16		
CVR24-0042	224 FIFTH AVE	Vacation Rental	POVICH, ROBYN S	11/26/2024	Hold	Scheduled 1/12	Due \$800	
CVR24-0045	414 POINSETTIA RD	Vacation Rental	KATHRYN MAULER	12/09/2024	Hold	Failed 12/30		

Report Total:

# Certificate List

01/10/2025  
1/1

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Amount Due
CVR24-0023	411 OAK ST	Vacation Rental	MOLINA OAK LLC	Issued	11/14/2024	\$0.00
CVR24-0024	1905 REDWOOD AVE	Vacation Rental	BRUNING, RICHARD A	Issued	11/14/2024	\$0.00
CVR24-0025	401 AVENUE B	Vacation Rental	NEWTON, JOHN	Issued	11/04/2024	\$0.00
CVR24-0026	317 FIRST AVE	Vacation Rental	LESINSKI, ZACH	Issued	11/04/2024	\$0.00
CVR24-0027	217 FOURTH AVE	Vacation Rental	FOURTH AVENUE LLC	Issued	12/09/2024	\$0.00
CVR24-0028	304 OAK ST	Vacation Rental	DAILEY, CHRISTOPHER	Issued	12/10/2024	\$0.00
CVR24-0029	2015 OAK ST	Owner Occupied Exempt	PRUTOW, GARY	Issued	11/01/2024	\$0.00
CVR24-0034	315 AVENUE B	Vacation Rental	KOGOK, RONALD C,JR	Issued	12/09/2024	\$0.00
CVR24-0039	2201 REDWOOD AVE	Vacation Rental	NLD9, INC JOHN NEWTON	Issued	01/09/2025	\$0.00
CVR24-0043	304 FOURTH AVE	Vacation Rental	SAMMELMAN, MARK T	Issued	01/09/2025	\$0.00
CVR24-0047	217 THIRD AVE	Owner Occupied Exempt	MC KERCHER, TIMOTHY	Issued	12/23/2024	\$0.00

Total # of Certificates: 11

Total Amount Due: \$0.00

**Worksheet From Bruce Larson**

<b>Property Address</b>	<b>Status</b>	<b>Notes</b>	<b>Rental Type</b>
209 1st Avenue	Certificate Issued		Monthly on Apts. Com
311 1st Avenue	Closed	Owner Occupied	
308 2nd Avenue	Closed	Owner Occupied	
312 2nd Avenue	Certificate Issued		
205 Surf Road	Certificate Issued		
303 Cherry Drive	NOV Sent		
502 Colony Street	NOV Sent		
512 Harland Avenue	Closed	Sold-No VR at this time	
401 Surf Road	Closed	Sold-No VR at this time	sold 10/2024
322 Hibiscus Trail	Certificate Issued		
401 Hibiscus Trail	NOV Sent		
406 Hibiscus Trail	Certificate Issued	Owner Occupied	
510 Banyan Way	Hold	Failed fire inspection	
501 Oak Street	Pending investigation		
608 Mango Drive	Certificate Issued		
602 Shannon Avenue	Closed	No Short Term VR	Monthly
509 Magnolia Avenue	Pending investigation		
505 Poinsettia Drive	Closed	Sold-No VR at this time	sold 10/2024
305 Avenue B	Closed	Sold-No VR at this time	
306 Avenue B	Closed	House Demo/Rebuilt	No longer listed
805 Atlantic Street	Pending investigation		
217 3rd Avenue	Closed	Owner Occupied	
219 5th Avenue	Closed	No Short Term VR	long term Apt
218 5th Avenue	Closed	Selling Property	No longer listed
302 5th Avenue	Hold	Failed fire inspection	
202 Surf Road	Closed	No Short Term VR	30 day rental
405 Surf Road	Closed	No VR	Father & Daughter
407 Coral Avenue	Closed	No Short Term VR	Monthly
204 Cherry Avenue	Closed	No Short Term VR	Selling /no listing
387 Riverview Lane	Hold	Needs Fire Insp.	NOV Sent
2015 Oak Street	Closed	No VR	Primary residence
512 Ocean Avenue, Apt. A	Pending investigation		
512 Ocean Avenue, Apt. B	Pending investigation		
512 Ocean Avenue, Apt. C	Pending investigation		
311 Ocean Avenue, Unit A	NOV Sent	30 day	
311 Ocean Avenue, Unit B	NOV Sent	30 day	
311 Ocean Avenue, Unit C	NOV Sent	30 day	
311 Ocean Avenue, Unit D	NOV Sent	30 day	
1109 Atlantic Street, #1	Pending investigation		
1109 Atlantic Street, #2	Pending investigation		
1109 Atlantic Street, #3	Pending investigation		
1201 Atlantic Street, Unit A?	NOV Sent		
1201 Atlantic Street, Unit B	NOV Sent	Shore Break & Gar	
1201 Atlantic Street, Unit C?	NOV Sent		
200 3rd Avenue, Unit 4	Closed	No Short Term VR	30-day





# Town of Melbourne Beach



## *Fire Department*

### **MONTHLY REPORT – JANUARY 2025**

#### **Incident Response**

From December 13<sup>th</sup> through January 10<sup>th</sup>, the Melbourne Beach Volunteer Fire Department responded to 11 calls for service. The average number of responding volunteer personnel per paged out call for the time period listed above was 10.

#### ***Breakdown:***

- 3 Fire/Rescue 911 Calls (paged out)
  - Incidents: 153, 155, 158
- 1 Service Call
  - Broken fire hydrant (Incidents 154)
- 1 First Responder EMS Incidents
  - Vehicle vs Bicyclist (Incident 157)
- 2 Special Event Standby
  - FPL Award for Brevard Firefighter (Incident 151)
  - Christmas Parade (Incident 152)
- 4 Fire & Life Safety Inspection
  - Incident 156, 159, 1 (2025), 2 (2025)

#### **Notable Incidents**

- **12/16/2024 (08:48am) – Possible Structure Fire at Djon's Steakhouse.**
  - MBVFD dispatched to reports of possible structure fire with light smoke showing from building. MB-Fire1, E-58, and E-258 responded. E-58 was the first unit on scene; completed 360 size up and made entry into structure. Located source of smoke, burning food in large stockpot left on the stove overnight. No extension or damage to structure. Stockpot removed from structure and building ventilated to remove smoke.

- **12/19/2024 (12:02pm) – Vehicle vs. Bicyclist in front of Ryckman Park**
  - Both MBVFD Fire Inspectors were in service performing fire inspections and heard call on radio for vehicle vs bicycle in the area. Both self-initiated response for Medical Assist. Upon arrival, bicyclist down on pavement with non-life threatening injuries. 1 Fire Inspector controlled traffic and called for BCFR/MBPD, while the other, who is also a Paramedic, assumed patient care until the ambulance arrival on scene. 1 patient transported non-emergent by ambulance to a local area hospital for further evaluation and care.

## **Department Membership**

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

## **Volunteer Recruitment**

The Melbourne Beach Volunteer Fire Department is continuously recruiting local men and women who have a desire to serve their community. No experience is needed and all training will be provided. The next new recruit orientation is scheduled for February of 2025. For more information, visit [MBVFD.com/recruitment](http://MBVFD.com/recruitment) or email us at [FireTraining@MelbourneBeachFL.org](mailto:FireTraining@MelbourneBeachFL.org).

## **Notable Events & Updates**

### ***Local Donation & Pager Purchase***

- The Fire Department was the recipient of an extremely generous donation from local philanthropist Hugh Normile and his significant other Sheila Poole. The \$4,000 donation was made in memory of long time Melbourne Beach resident Marjorie Gehrig, and was the remaining amount of funding needed for the Fire Department to purchase new pagers for its volunteer firefighters. Pagers are a critical device used to notify volunteer firefighters to respond to an emergency. The new pagers will have enhanced technology to help increase communication and operational performance. Thank you Mr. Normile & Ms. Poole!!!

***Automatic Aid Updates***

- Chief Brown continued working toward establishing an Automatic Aid Agreement with the Indian Harbour Beach Volunteer Fire Department, and plans to have the agreement ready to present to the Town Commission.

***191hr Volunteer Firefighter Certification Program***

- The Department continues hosting (and teaching) a State recognized hybrid 191hr Volunteer Firefighter Certification Program. 8 students from Melbourne Beach and 2 students from Indian Harbour Beach have begun the program and are expected to finish sometime in mid-2025.

***Fire Hydrant Inspections & Flushing***

- The Fire Department completed its annual fire hydrant inspections & flushing, as required by Florida Statute 633.312. Out of service fire hydrants located in the testing process have been reported to the City of Melbourne Water Department for repair/replacement.

***Misc. Certification Programs***

- Department certified CPR Instructors taught 2 BLS CPR Refresher courses.

***Community Events***

- The Fire Department partnered with the Melbourne Beach Volunteer Firefighters Association's to plan and execute both the Annual Christmas Parade & Pancake Breakfast and the Christmas Eve Santa Run. In total, over 600 gifts were delivered this year during the Santa Run. Thank you to all of the MBVFD volunteers that make both of these beloved community events possible.

***Mold Remediation***

- Mold Remediation began in the areas of the Fire Department damaged from hurricane Milton earlier in 2024.

***Meetings & Conferences***

- Chief Brown attended the Florida Fire & EMS Conference in Orlando.

# Melbourne Beach VFD

Melbourne Beach, FL



## Incident Address and Type for Date Range (Landscape)

Incident Status(s): All Incident Statuses | Start Date: 12/13/2024 | End Date: 01/10/2025

INCIDENT #	DATE	LOCATION TYPE	ADDRESS	INCIDENT TYPE	ALARM	CLEARED SCENE
2024-151	12/13/2024		400 Seabreeze DR , Indialantic, FL, 32903	Public service	12/13/2024 16:43	12/13/2024 17:57
2024-152	12/14/2024		505 Ocean AVE , Melbourne Beach, FL, 32951	Cover assignment, standby, moveup	12/14/2024 07:56	12/14/2024 11:08
2024-153	12/14/2024	Intersection	Fifth AVE / Atlantic Street, Melbourne Beach, FL, 32951	Vehicle accident, general cleanup	12/14/2024 18:57	12/14/2024 19:04
2024-154	12/15/2024		213 Birch AVE , Melbourne Beach, FL, 32951	Water problem, other	12/15/2024 02:26	12/15/2024 03:30
2024-155	12/16/2024		522 Ocean AVE , Melbourne Beach, FL, 32951	Excessive heat, scorch burns with no ignition	12/16/2024 08:48	12/16/2024 09:29
2024-156	12/16/2024		510 Banyan WAY , Melbourne Beach, FL, 32951	Special type of incident, other	12/16/2024 12:47	12/16/2024 13:59
2024-157	12/19/2024		509 Ocean AVE , Melbourne Beach, FL, 32951	Motor vehicle/pedestrian accident (MV Ped)	12/19/2024 12:02	12/19/2024 12:15
2024-158	12/19/2024		2207 Atlantic ST , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	12/19/2024 12:51	12/19/2024 12:59
2024-159	12/30/2024		414 Poinsettia RD , Melbourne Beach, FL, 32951	Special type of incident, other	12/30/2024 10:24	12/30/2024 12:05
2025-1	01/06/2025		2201 Redwood AVE , Melbourne Beach, FL, 32951	Special type of incident, other	01/06/2025 10:47	01/06/2025 12:36
2025-2	01/08/2025		304 4th AVE , Melbourne Beach, FL, 32951	Special type of incident, other	01/08/2025 10:22	01/08/2025 11:56

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



Personnel Count per Incident for Date Range

Start Date: 12/13/2024 | End Date: 01/10/2025

INCIDENT				NUMBER OF PEOPLE		
NUMBER	DATE	INCIDENT TYPE	FDID	ON APPARATUS	NOT ON APPARATUS	TOTAL
2024-151	12/13/2024 16:43:07	553 - Public service	19112	3	0	3
2024-152	12/14/2024 07:56:35	571 - Cover assignment, standby, moveup	19112	7	13	20
** 2024-153	12/14/2024 18:57:23	463 - Vehicle accident, general cleanup	19112	2	9	11
2024-154	12/15/2024 02:26:00	520 - Water problem, other	19112	2	0	2
** 2024-155	12/16/2024 08:48:20	251 - Excessive heat, scorch burns with no ignition	19112	7	4	11
2024-156	12/16/2024 12:47:51	900 - Special type of incident, other	19112	1	0	1
2024-157	12/19/2024 12:02:09	323 - Motor vehicle/pedestrian accident (MV Ped)	19112	2	0	2
** 2024-158	12/19/2024 12:51:43	743 - Smoke detector activation, no fire - unintentional	19112	5	3	8
2024-159	12/30/2024 10:24:06	900 - Special type of incident, other	19112	1	0	1
2025-1	1/6/2025 10:47:30	900 - Special type of incident, other	19112	1	0	1
2025-2	1/8/2025 10:22:54	900 - Special type of incident, other	19112	1	0	1

TOTAL # OF INCIDENTS: 11

AVERAGES:

2.9

2.6

5.5

Total # of incidents  
paged out for  
volunteer response: 3

\*\* Incidents paged out by dispatch:  
(for volunteer response)

4.7

5.3

10.0



# Melbourne Beach Police Department

## Chief Zander's Monthly Report

### January 2025



#### Operations:

Over the past month, the department handled 1275 calls for service.

#### Activity:

- 72 Citations/ 112 Written Warnings
- 303 Traffic Stops
- 254 Traffic Enforcement Details
- 3 Traffic Complaint
- Speed Compliance percentages over the past month:
  - Atlantic Ave. 75% with 69700 vehicles recorded
  - Oak St. 92% with 76,203 vehicles recorded
  - Riverside Dr. 94% with 63,242 vehicles recorded

#### PD News

- Assisted IPD with the annual Golf Cart Parade
- Attended Gemini's World Bazar Event
- Attended the FPCA Mid-Winter Conference
- Officer Brown completed Phase I of the FTO program. Moved to Phase II Fully Staffed once she completes training in mid March
- Guest Speaker for the Melbourne Beach Rotary
- 2 Leadership Courses attended by our supervisors, Firearms Instructor Course attended by our training officer.
- The Police Department Volunteers completed 83 total hours of volunteer service for the month of December and 269 hours for the year (Since June 2024).
  - Helping out with Front Desk Coverage/Admin and with House Checks as well as helped with the Golf Cart Parade Event
  - Continuing the document Scanning process, getting all of our old paper reports scanned into our computer system. Ongoing

CRIME Update:.

- Volunteers completed 44 House Checks-
- Several Disturbance Calls.
- 24 Suspicious incident/Person/vehicles reports investigated
- 8 arrests/17 Suspicious Incidents/2 Suspicious Vehicles /5 Suspicious Persons.
  - 8 Arrests consist of Grand Theft of electric bikes, Resisting Officer arrest, DUI and other Traffic arrests
- 1 STR complaint. Was an accidental 911 hang-up
- 3 Assist other Law enforcement agencies. We are called to assist Indiatlantic and BCSO on calls for service.

Happy New Year!!!

# Town of Melbourne Beach

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## Town Clerk Monthly Report December 2024 - January 2025

### **Public Records Requests –**

- Received –14
- Completed – 14

**Records Management Project/ Scanning Project** – The intern will start going through all of the documents after she returns from winter break in mid-January.

**Meetings**– Had meetings with BIS Digital about the A/V equipment in the Community Center. .

**Training** – The Florida Association of City Clerks fall conference was rescheduled due to Hurricane Milton for January 6-10, 2025. Some of the sessions attended included Ethics for Everyone, Civility in the Workplace, Professionalism: Business Etiquette, Speaking with Confidence, Parliamentary Procedure, and Business Writing.

**Town Meetings** – Prepared agendas, packets, and minutes, and attended 2 Town Commission Meetings and a Planning and Zoning meeting. Created the agenda and prepared for the Environmental Advisory Board, History Center Board, Parks Board, and the Ryckman House Historical Preservation and Awareness Board meetings.



## Town Commission Meeting

**Section:** Unfinished Business

**Meeting Date:** January 15, 2025

**From:** Town Clerk Amber Brown

**RE:** Approval of the Regular Town Commission Meeting minutes  
November 20, 2024

### Background Information:

The November 20, 2024 Regular Town Commission Meeting draft minutes were emailed to the Commission on November 27, 2024.

Commissioner Tim Reed requested a couple of amendments.

The draft minutes with Commissioner Reed's amendments, which are underlined and in red, were presented to the Commission as part of the December 18, 2024 Regular Town Commission Meeting Agenda Packet. During the December meeting Mayor Dennington spoke about there being numerous corrections needed. The Commission tabled the minutes to the January meeting.

To date no amendments or corrections have been received.

### Recommendation:

Approve the November 20, 2024 Regular Town Commission Meeting minutes as presented.

### Attachments:

November 20, 2024 Regular Town Commission Meeting minutes

# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING November 20, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

### MINUTES

#### Commission Members:

Mayor Alison Dennington  
Vice Mayor Sherri Quarrie  
Commissioner Marivi Walker  
Commissioner Robert Baldwin  
Commissioner Dawn Barlow

#### Staff Members:

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
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 Marivi Walker  
Commissioner Robert Baldwin  
Commissioner Dawn Barlow

#### Staff Members Present

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Police Chief Tim Zander  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Public Works Director Tom Davis  
Finance Manager Jennifer Kerr  
Town Clerk Amber Brown

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

Mayor Alison Dennington led the Pledge of Allegiance.

**4. Administration of the Oath of Office – Reception to follow - 2:50**

A. Anna Butler – Commissioner

Town Clerk Amber Brown administered the Oath of Office for Commissioner Anna Butler.

B. Tim Reed – Commissioner

Town Clerk Amber Brown administered the Oath of Office for Commissioner Tim Reed.

Reception from 6:05-6:20 pm

Town Clerk Amber Brown conducted a roll call - 20:30

**Commission Members Present**

Mayor Alison Dennington  
Commissioner Robert Baldwin  
Commissioner Dawn Barlow  
Commissioner Anna Butler  
Commissioner Tim Reed

**Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Police Chief Tim Zander  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Public Works Director Tom Davis  
Finance Manager Jennifer Kerr  
Town Clerk Amber Brown

**5. Meeting Agenda – Additions/Deletions/Changes - 21:20**

**Commissioner Dawn Barlow made a motion to approve the agenda; Commissioner Robert Baldwin seconded; Motion carried 5-0.**

**6. Consent Agenda – 22:10**

- A. Approval of the Regular Town Commission Meeting minutes August 21, 2024
- B. Approval of the Town Commission Workshop minutes August 29, 2024
- C. Approval of the Special Town Commission Meeting minutes October 16, 2024
- D. Approval of the Special Town Commission Meeting minutes October 23, 2024
- E. Approval of the Regular Town Commission Meeting minutes October 23, 2024
- F. Approval of the Town Commission Workshop minutes November 6, 2024
- G. Appointment of Betsy Baird as a board member to the History Center Board
- H. Reappointment of Heidi Brewer as a board member to the Parks Board

**Commissioner Dawn Barlow made a motion to approve the consent agenda A-H; Commissioner Robert Baldwin seconded; Motion carried 5-0.**

**7. Proclamations/Presentations/Awards**

- A. Proclamation recognizing former Vice Mayor Sherri Quarrie for her many years of service to the Town of Melbourne Beach – 23:40

Mayor Alison Dennington presented a proclamation recognizing former Vice Mayor Sherri Quarrie for her many years of service to the Town of Melbourne Beach.

B. Proclamation recognizing November as National American Indian Heritage Month – 28:35

Mayor Alison Dennington presented a proclamation recognizing November as National American Indian Heritage Month.

C. Recognition of Boy Scout Owen Addington for the completion of his Eagle Scout Project – Installation of a US Flag collection box for retired American flags at the Fire Station – 30:00

Fire Chief Gavin Brown presented Boy Scout Owen Addington for the completion of his Eagle Scout Project by installing a US Flag collection box for retired American flags at the Fire Station. Fire Chief Gavin Brown spoke about the Eagle Scout Project process and what is required.

Boy Scout Owen Addington thanked the Town Manager and Fire Chief for assisting him and approving his Eagle Scout Project.

**8. Finance/Budget Report – 34:10**

Finance Manager Jennifer Kerr spoke about the Finance Memo. Expenditure rate for October is 8.33, currently at 8.59. Parking revenue is \$7,841.11. Finished fiscal year 2024 at 90.31%, and had a balance in the general fund of \$171,342.10.

**Commissioner Dawn Barlow made a motion to accept the finance budget report pages 79 through 112; Commissioner Robert Baldwin seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.**

**9. Department and Board/Committee Reports**

A. Public Works Department – 39:40

Public Works Director Tom Davis spoke about residents asking if the location of the pelican painting is in the best location.

Commissioner Dawn Barlow spoke about when she was on the Parks Board a resident mentioned the painting obstructs the view of the river and pier.

Commissioner Robert Baldwin spoke about sending it to the Parks Board for them to vet.

Mayor Alison Dennington spoke about how the Parks Board is only an advisory board, so they should make a recommendation, but it should come back to the Commission and that gives the opportunity for public comment.

Public Works Director Tom Davis spoke about the blinking school zone light that blew down from the hurricane and how it belongs to Brevard County traffic and he is working with them to get them to fix it.

Commissioner Dawn Barlow mentioned the fill in the rocks at the boat ramp and asked if that would be submitted to FEMA.

Public Works Director Tom Davis said that he believed that is ongoing maintenance, not damage, so it will not be submitted to FEMA and that he was starting the process of looking into coquina rock.

Mayor Alison Dennington asked if he has had time to review the follow up information regarding the beach tennis, any information about the sewage spill reported from Travis Hunsucker.

Public Works Director Tom Davis spoke about how the spill is from a business, and posted a \$500 fine. Built a dam to protect the area, contacted DBPR and the Health Department. The proper authorities have been notified and it has been cleaned up.

Mayor Alison Dennington spoke about receiving an email about a sewage spill. Asked the Town Attorney if we can recoup the costs to the Town for addressing the issue.

Town Attorney Ryan Knight spoke about not being familiar with the situation, but if it is not from a natural disaster it would most likely not be reimbursable.

Public Works Director Tom Davis said only one of the situations actually occurred, the other was a hypothetical question from a resident about how the Town of Melbourne Beach would handle a situation.

Mayor Alison Dennington asked for clarification about what happened at Ryckman Park.

Town Manager Elizabeth Mascaro said there was a spill somewhere else, so someone inquired how the Town would handle a spill. She said the Town would react, do as much damage control as possible, PD, Fire, Public Works and Building would respond to mitigate the situation until the county could take care of it.

Mayor Alison Dennington verified the Town would have no responsibility to pay for it and fix it, but would have authority to mitigate the situation.

Commissioner Tim Reed said he was the source of that question, which was mostly prompted by Hurricane Milton, there were well publicized sewage spills in Palm Bay and Titusville, knew the equipment was there, but didn't know whose responsibility it was, so Public Works Director Tom Davis explained that it was a county owned resource and the sewer lines as well.

#### B. Building Department – 56:55

Mayor Alison Dennington asked about the stop work order.

Building Official Robert Bitgood spoke about how they had an existing permit for small renovations but noticed that they expanded the amount of work being done so that was red tagged, but has since been resolved.

Town Manager Elizabeth Mascaro asked the Commission for input on having monthly reports cover the period of time between Commission meetings rather than being a calendar month because the information is already a few weeks old by the time of the meeting.

The Commission agreed when possible to have department reports capture the last half of a month and the beginning of the following month so the information is recent when the Commission meeting is.

#### C. Code Enforcement – 1:00:00

Town Manager Elizabeth Mascaro said that Commissioner Dawn Barlow requested information on vacation rentals in the status hold. She was not able to get the information yet but will send it out to all of the Commissioners.

Mayor Alison Dennington asked if this is the same or different from how prior reports are structured. Suggested using a footnotes system for the updated dates and information.

Town Manager Elizabeth Mascaro said they added some columns. Unable to reflect the date of the most recent activity. Only the date it was entered and the date it closes. Said they could not alter the report but could do a cover sheet to highlight certain updates.

Commissioner Dawn Barlow spoke about a code enforcement violation on page 125 at 206 4th Ave, said she was told this has been complied with and the grass has been cut on 11/15 so it is closed.

Commissioner Tim Reed asked if there is a list of suspected properties that have been identified as possible vacation rentals to see if they are operating as such.

Town Manager Elizabeth Mascaro said there would probably have to be an additional report developed in regards to suspected short term rental properties. Also spoke about software that can conduct searches for these unregistered vacation rentals.

Mayor Alison Dennington asked for a new report that would include the potential vacation rentals, but have not been addressed yet, and asked for an update on the Code Enforcement position. Spoke about there being companies that the Town can contract out Code Enforcement to.

Commissioner Dawn Barlow asked if there is a company that would do vacation rental registration and also code enforcement.

Town Manager Elizabeth Mascaro said that the 2 companies she has spoken with do not do code enforcement, but there might be a company out there that does that.

Finance Manager Jennifer Kerr spoke about having 2 interviews to fill the full time code enforcement position.

Mayor Alison Dennington spoke about wanting to be able to meet the applicants and ask them questions.

Commissioner Dawn Barlow asked Finance Manager Jennifer Kerr about the next step in the evaluation phase of the two individuals. Also spoke about there being a vacation rental workshop on December 16<sup>th</sup> and asked about having the companies present during that meeting.

Finance Manager Jennifer Kerr said they have left the position open to try to get a bigger pool of applicants. Said that the starting salary is \$16.00 per hour, and other certified code enforcement officers are starting at \$22.00 per hour.

Mayor Alison Dennington suggested having a part time code enforcement official that does non short term rental related things, and then have a company contract to handle the short term rental issues.

Commissioner Robert Baldwin suggested getting all of the information before making any decisions and having the companies come to the December 16<sup>th</sup> workshop.

Town Manager Elizabeth Mascaro said the cost of the one software is \$13,000 annually, but more money had been allotted for this issue and could go towards a salary.

Mayor Alison Dennington asked about 204 Cherry being in the status hold.

Town Manager Elizabeth Mascaro said the property is no longer being rented, but if they rent it, then the order from the Special Magistrate would start. It is not advertised online.

Town Attorney Ryan Knight said there is not a violation if they are not renting it out.

#### D. Fire Department – 1:24:00

Fire Chief Gavin Brown spoke about how the fire department will be starting hydrant flushing soon in the evenings. If any household water is discolored, it is still safe, it is just sediment that has settled in the pipes. If that happens, run the water for a few minutes and it will clear up. Spoke about a water rescue call in the river where the department rescued a couple Melbourne Beach kids that went out in a paddleboat and got pushed out in the storm. Wants the public to know there is no fee for Fire Department services.

#### E. Police Department – 1:28:50

Police Chief Tim Zander spoke about there being a typo on his report. It says in September but it should say October.

Commissioner Dawn Barlow asked the Police Chief about his opinion of making Melbourne Beach a speed trap.

Police Chief Tim Zander said they are working on that becoming the reputation again, and seeing major improvement. Said they are at 94% compliance for speed on the main roads.

Commissioner Tim Reed asked that any staffing changes be included in the report since there was a resignation in the Police Department that was not in the report.

Mayor Alison Dennington spoke about wanting to put a moratorium on not hiring another police officer, and allowing the new Commission to discuss it.

Town Manager Elizabeth Mascaro said a conditional offer has already been given yesterday. Said they absolutely need that officer.

Commissioner Anna Butler spoke about meeting with Police Chief Tim Zander and feels very comfortable with his decisions.

Commissioner Robert Baldwin spoke about being in favor of leaving what was approved in the budget.

Mayor Alison Dennington spoke about one reason the department needed a new position is to do additional trainings. Asked to sit in on one of the monthly trainings. Concerned about them getting extra trainings so the officers are more wanted at other departments.

Police Chief Tim Zander spoke about how anyone is welcome to attend the trainings. The trainings are not specialized trainings that would provide a certificate.

#### F. Town Clerk – 1:40:00

Town Clerk Amber Brown mentioned the new Town website, said when it was merged from old to new, it dated back a couple months. Anything that was added to the old website after the merge date was not transferred to the new one. There are things on the old website that you won't see on the new one, so please let her know if you see anything so she can update the new website with that information. Encourages both the residents and the Commission to call or email her if they are having trouble finding anything.

Mayor Alison Dennington said there was an intern hired to help with the scanning project.

Commissioner Tim Reed asked if they have the previous email list for people that want notifications or do people have to sign up again.

Town Clerk Amber Brown said she does not have access to the backside of the old website because they have archived it, but she put in a request to get that info. People can go to the new website to subscribe, but they need to sign up for different sections of notifications. For example, if you go to events and click subscribe you are just subscribing to events notifications. The different categories are news, features, and events at the moment.



Commissioner Dawn Barlow suggested making sure people are aware of the different subscription pages and also letting people know the volume of emails they would be receiving.

Mayor Alison Dennington said she went to the League of Cities Conference in Tampa, attended a small cities and grant funding workshop and an AI workshop. One thing that AI is used for is searching the Town's scanned records (not all of the internet), so you can say, pull every time there has been a discussion about a certain issue, write a report on it and it will cite everything.

#### **10. Public Comment (Non-Agenda Items) – 1:51:25**

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.

**Frank Thomas** – Spoke about being in Town for 42 years. Said that campaign literature has always been given out and it used to be better. He then read part of a campaign flyer he received. Campaign flyers can be done better than that.

**Jim Simmons – 409 Avenue B** – Spoke about when the short term rental ordinance was first being done, the Commission was told the Brevard County Property Appraiser's Office would identify vacation rentals that have a homestead exemption and would notify the municipalities, misses the police sergeant reports, the Commission should not be involved in any interviews, or have any opinions on that. The Commission should only deal with the Town Manager. The Town does not receive much for speeding tickets but pays overtime to go to court when someone contests a ticket.

Mayor Alison Dennington thanked Jim for bringing the property appraiser to the Commission's attention. Agreed that the Commission shouldn't be involved with interviews.

Commissioner Anna Butler said she didn't request to be involved, and she would defer to HR.

**Brian Casazza – 2009 Oak St** – Spoke about being a small Town we do not have an IT department. Consider having an IT Advisory Board of people that have a background in IT so the Town can get feedback from expertise for free.

Mayor Alison Dennington spoke about wanting to make a motion to create a committee to vet some of those things and then turn it into a Board.

Town Attorney Ryan Knight spoke about if you want an Advisory Board then it should start as that not as a committee.

**Mark McBride – 310 Second Ave** – Asked what the status of hold means. Some have been on hold for years, and only some are on the certificate list. There are still STRs that are operating illegally. The owner of 204 Cherry has another STR that is operating illegally, why? There are at least 23 unregistered STRs right now.

Mayor Alison Dennington spoke about having a lot of questions, but gets in trouble if she asks about it. Said the Town Manager is looking into the list that was submitted in the prior meeting. Spoke about potential impact fees being worked into STRs.

***Lauren Hardman – 320 Sixth Ave – Asked the Commission if they agree with the Mayor requesting the Town Clerk to look into using AI. The Commission needs to work as a collective not as individuals tasking staff with something.***

Commissioner Robert Baldwin said AI is a huge help in companies so if the Mayor feels it could also be helpful for a small town, having Town Clerk Amber Brown look into it would be great, but only when she has the time for it since she has other important projects.

Mayor Alison Dennington spoke about how the intent was to share information collected from a conference, there was no direction or decision that needs to be made.

Town Manager Elizabeth Mascaro spoke about the purpose of the Task List.

Commissioner Anna Butler said she appreciates having this information because as a new Commissioner, she does not want to assume anything about how tasks are prioritized.

Mayor Alison Dennington spoke about purchasing a Robert's Rules of Order CD and the Commission does not follow several things in it. Asked what the Commission thinks about the Commissioners needing to request to speak and the Mayor having to recognize the individual.

Commissioner Dawn Barlow spoke about having a workshop on December 16<sup>th</sup> and wanting to put an agenda item on it to review and update the Task List to organize all of the projects.

***Marivi Walker – 511 Riverside Dr – Spoke about sticking to the agenda. This is public comment and every person has been interrupted and there have been side discussions. Stay on topic.***

Mayor Alison Dennington said a Robert's Rules of Order workshop could be beneficial.

***Mary Weerts – 400 Driftwood – Said that the meetings are way too long and too chatty.***

Break at 8:26-8:36 pm

Town Clerk Amber Brown conducted a roll call.

#### **Commission Members Present**

Mayor Alison Dennington  
Commissioner Robert Baldwin  
Commissioner Dawn Barlow  
Commissioner Anna Butler  
Commissioner Tim Reed

#### **Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Town Clerk Amber Brown

## **11. Public Hearings/Special Orders**

## 12. Unfinished Business

- A. Approval of the Regular Town Commission Meeting minutes June 19, 2024 – 2:37:25

**Commissioner Robert Baldwin made a motion to approve the minutes of June 19th 2024; Commissioner Dawn Barlow seconded; Motion carried 5-0.**

- B. Approval of the Regular Town Commission Meeting minutes July 17, 2024 – 2:38:15

**Commissioner Robert Baldwin made a motion to approve the minutes of July 17th 2024; Commissioner Dawn Barlow seconded; Motion carried 5-0.**

- C. Approval of the Regular Town Commission Meeting minutes September 18, 2024 – 2:38:36

Mayor Alison Dennington spoke about page 172, second to the last sentence says Corey Runte said, but it wasn't him it was the Town Manager. Then the next page at the top should include the Mayor adamantly denied what was stated.

**Commissioner Dawn Barlow made a motion to table to the next meeting pending the edits; Commissioner Robert Baldwin seconded; Motion carried 5-0.**

- D. Discussion on the proposed Vacation Rental Ordinance changes – Town Attorney Ryan Knight – 2:40:56

Mayor Alison Dennington spoke about discussing these things at the workshop, but could open it up to public comment.

Town Attorney Ryan Knight said the first reading of the ordinances would be at the December 18th meeting and the second reading would occur in January which would be the adoption of those ordinances.

Commissioner Robert Baldwin spoke about receiving feedback from the owner's standpoint and wanted to bring it to the attention of the Commission prior to the workshop. Regarding the noise ordinance from 8 pm to 8 am, some said that seemed early. Should there be different restrictions just for STRs? For enforcement, having different restrictions can be difficult. With a maximum of 8 people, if they come as couples that would be 4 vehicles. A recommendation would be as long as 4 vehicles fit in the driveway, allow 4 vehicles instead of the proposed 3.

Mayor Alison Dennington spoke about working with the Town Attorney on changes, and an ordinance passed in Cocoa Beach that if an advertisement shows more than the maximum occupancy then that is considered a nuisance violation. Will provide additional information to the Town Attorney and the Town Clerk.

Commissioner Tim Reed asked if the Commission is not discussing it tonight, how can he present feedback prior to the workshop? Wants to eliminate owner occupied exemption.

Town Attorney Ryan Knight said that Commissioner Tim Reed could email him with some of the changes then he can incorporate alternatives into the ordinance.

Mayor Alison Dennington spoke about needing to tighten up the Code, but also understanding how the booking goes. Invites people to attend the meeting.

**Devin Compo – 608 Mango Dr – 2:52:28** - Spoke about living in Pennsylvania for now, but wants to move here, but is currently a host, purchased a home here. The home was in shambles, but they renovated it and are not making money because they put it back into the home. There are those that are doing it for the right reason. Has suggestions and ideas to improve things. Could licenses be limited so the amount of STRs is not overwhelming.

Mayor Alison Dennington said there is a state preemption so the number cannot be limited but is excited to hear ideas from hosts.

**Mark McBride – 310 Second Ave** – Spoke about having issues with the AirBnBs around his home. He communicates with the homeowners, but it still does not always help. Expressed concerns with so many strangers coming through the Town.

**Gary Prutow – 2015 Oak St** – Spoke about being a 28-year resident who wants to protect the small Town character and is not the enemy by owning an STR. Consulted the Town prior to renting to follow all of the rules, inspections and regulations. He is not wealthy or making a fortune off the STR. Limiting guests to 8 and 3 vehicles does not take into account the size of some homes. His home has 6 bedrooms. Current code says no street parking or on the grass, couldn't agree more. If the cars are in the driveway there should not be an issue. Mentions it is unrealistic and untrue that hosts are making tons of money and should not be held to taxes and fees that are inconsistent with other lodging types in the area. Vacation Rentals are typically always maintained in a great way. Creating a complaint based system needs to be carefully considered.

**Jan Pence – 200 Riverside Dr** – Spoke about owning several vacation rentals, but none in Town. There is so much false information and fear mongering. Says this is a small Town and we are all neighbors. Understands some people do not like renters. Need to discuss discriminating against short term rentals.

Mayor Alison Dennington spoke about state law saying that you cannot make an anonymous complaint.

Town Attorney Ryan Knight said that is how Code Enforcement works but does not know about complaints to the Police Department.

Town Manager Elizabeth Mascaro said noise complaints can be anonymous.

**Kelen Prutow – 2015 Oak St** – Spoke about living here for many years, bought a house, turned it into a luxury style rental at a high price point, to get the type of renters you would want in the area. Melbourne Beach is not a party destination, appalled and shocked with

*the hate at the last meeting, the Commission is not listening to the hosts. A lot of the guests are coming to visit family that lives here.*

**Joyce Barton – 322 Third Ave** – *Spoke about having an owner occupied rental, there are a lot of misconceptions, her renters mostly consist of single females or couples wanting to move to the area, has had zero complaints or issues, there is a lot of fear-mongering out there. Offended at the names she was being called online such as sexual predator supporter. AirBnB does have a no party policy, so people can report those addresses.*

Mayor Alison Dennington spoke about being in favor of removing the owner occupied exemption, but having a reduced fee or tier based fee.

**Mark Emerson – 512 Ocean Ave** – *Spoke about getting VRBO and AirBnB to have a registration number and provide those properties to the Town. Vacation Rentals are a lot of work and he is not raking in the dough.*

Mayor Alison Dennington spoke about having the ordinance require anyone who advertises or lists be required to provide the State and Local listing number on their advertisement. Then if they don't include it they are violating the ordinance.

**Marivi Walker – 511 Riverside Dr** – *Spoke about providing contact information for an AirBnb rep who should be invited to the workshop because we should work with them.*

- E. Discussion on the proposed Noise Ordinance changes – Town Attorney Ryan Knight – 3:27:55

Commissioner Tim Reed asked if the Town is modeling this ordinance on something that is existing and in place somewhere else. Says measuring sound is difficult to do accurately.

Town Attorney Ryan Knight said yes, there are other municipalities that have this type of ordinance. Said he could send over a video on sound measurements. Would recommend measuring twice for accuracy.

Mayor Alison Dennington spoke about how West Melbourne just passed and purchased the devices so maybe the Town could get information from them on how they are working.

**AnneMarie McBride – 310 Second Ave** – *Verified the noise ordinance is not discriminating to STRs, it is for the entire Town.*

- F. Discussion and consideration on creating a Charter Review Committee – Mayor Alison Dennington – 3:33:25

Mayor Alison Dennington spoke about there being consensus among the majority that this is a good idea.

Town Attorney Ryan Knight spoke about how this normally takes 6-8 sessions. The Charter is fairly short so it might only take 3-4 sessions.

Commissioner Dawn Barlow asked about the deadline to get it on the ballot. Verified that this would need to go through discussion, first reading, second reading, adoption and language. Said in order to do this, it needs to start in January.

Town Attorney Ryan Knight said the deadline for this would be in May. Also said you would have to adopt an ordinance that would have the language to be placed on the ballot. Said it could be a Zoom meeting and be recorded so the public could attend and have input. Says he does not charge the Town for travel but would be able to attend via Zoom.

Town Manager Elizabeth Mascaro said that in order to get it done on time it would have to start in April.

Mayor Alison Dennington said she thought the process for a referendum was different from an ordinance.

Town Attorney Ryan Knight said that the language would still need to be agreed upon.

**Commissioner Robert Baldwin made a motion that we establish a charter review Advisory Board where they would start in January and where each Commissioner would nominate one person to that board who shall be a Melbourne Beach resident and that we task them with reviewing the charter with guidance from the Town Attorney on what he believes to be the top priorities if they can get to more, great, with the goal that they present to the Town Commission in April of 2025 their recommendations for revising the Town Charter; Commissioner Anna Butler seconded; Motion carried 5-0.**

Commissioner Dawn Barlow asked if there is a member on another board, would they have to give up that board seat to be on this board?

Town Attorney Ryan Knight said that would not be necessary because it is a board, not an office position. Suggested moving discussion on the criteria to decide on board members to the next agenda.

Commissioner Dawn Barlow suggested having the members chosen by the next Regular Town Commission Meeting on December 18th to be voted on.

Town Attorney Ryan Knight said that the only thing that would be voted on was to now create the committee with those members.

### **13. New Business**

#### **A. Appointment of the Vice Mayor – 3:48:00**

Commissioner Robert Baldwin nominated Dawn Barlow for Vice Mayor.

Commissioner Anna Butler spoke about the optics of appointing a Vice Mayor that was appointed to the Town Commission rather than elected.

Town Clerk Amber Brown said that the Vice Mayor is the same as the other

Commissioners, the only difference is in the absence of the mayor, they would be the presiding officer.

**Mark McBride – 310 Second Ave – Dawn would be great.**

**Marivi Walker – 511 Riverside Dr – Dawn would be great with her experience on the Parks Board.**

**Commissioner Robert Baldwin made a motion to appoint Dawn Barlow; Commissioner Anna Butler seconded; Motion carried 5-0.**

B. Appointment of the Voting Delegate for the South Beaches Coalition – 3:51:45

Commissioner Tim Reed spoke about how this should not be considered the voting delegate, it should be the Melbourne Beach representative.

Mayor Alison Dennington spoke about how there are 2 voting delegates. One from Melbourne Beach to attend the South Beaches Coalition, and one from the South Beaches Coalition to the Space Coast TPO.

**Commissioner Robert Baldwin made a motion to nominate Commissioner Anna Butler for the Voting Delegate for the South Beaches Coalition from Melbourne Beach; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

C. Appointment of the Voting Delegate and an Alternate for the Space Coast League of Cities – 3:55:55

**Commissioner Robert Baldwin made a motion to nominate Mayor Alison Dennington as the Voting Delegate for the Space Coast League of Cities; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

**Commissioner Tim Reed made a motion to appoint Tim Reed as the alternate; Commissioner Anna Butler seconded; Motion carried 5-0.**

D. Consideration of Resolution 2024-12 – Fiscal Year 2024 Budget Amendment – Finance Manager Jennifer Kerr – 3:58:30

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MELBOURNE BEACH, FLORIDA, APPROVING THE FINAL BUDGET AMENDMENTS FOR THE FISCAL YEAR 2023/2024 ANNUAL BUDGET; PROVIDING AN EFFECTIVE DATE.**

Mayor Alison Dennington said she is voting against it. Has many reasons why but does not want to waste anyone's time. Would suggest next time we have these for next year as soon as we close it, that we have a draft so that the Commission would have more time.

Town Attorney Ryan Knight said it is not uncommon to work with this time frame.

Mayor Alison Dennington mentioned that she would still like responses to her questions even if this passes.

Town Manager Elizabeth Mascaro said she will get responses to her questions but said that the reasoning for it does not change the fact that it has to be adjusted.

**Commissioner Robert Baldwin made a motion to accept Resolution 2024-12 to approve the final budget amendments for the fiscal year 2023/2024 as presented; Vice Mayor Dawn Barlow seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.**

- E. Consideration of Resolution 2024-13 – Fiscal Year 2025 Budget Amendment – Finance Manager Jennifer Kerr – 4:04:00

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR (FY) 2024-2025; AMENDING RESOLUTION NO 2024-09 RELATED TO THE USE OF ALL CARRYFORWARDS AND TRANSFERS FOR ALL FUNDS INCLUDING THE GENERAL FUND; ESTABLISHING AUTHORITY FOR THE TOWN MANAGER TO IMPLEMENT THE BUDGET; AND PROVIDING FOR ADOPTION.**

Commissioner Tim Reed spoke about there not being much time to review this.

Town Manager Elizabeth Mascaro spoke about how you cannot create it until you have the bottom line numbers, so all of the accounting has to be processed first.

Mayor Alison Dennington said that there is a lot of pressure on Finance Manager Jennifer Kerr and if she could put some of the information out sooner, she wouldn't have to field so much at once.

Vice Mayor Dawn Barlow spoke about the finance report could have monthly totals in order to cross reference the numbers.

Town Manager Elizabeth Mascaro said that the adjustments need to be made no matter what, but they are happy to share more information if needed.

**Commissioner Robert Baldwin made a motion to accept Resolution 2024-13 to amend the budget for the fiscal year 2024/2025 related to the use of all the carry forwards and transfers as presented; Commissioner Anna Butler seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.**

Mayor Alison Dennington spoke about voting against it due to not having enough time.

- F. Discussion on the Basin Map – Stormwater Design for the entire town – Town Manager Elizabeth Mascaro – 4:10:25

Town Manager Elizabeth Mascaro spoke about this being the most clear basin map.

Commissioner Tim Reed spoke about a map online from 2007 from Jones Edmunds, said the aerial photos are helpful.

Town Manager Elizabeth Mascaro spoke about how BSE would have the most recent maps. Can send electronic maps, but they are much larger than 11 by 17 when printed.



Vice Mayor Dawn Barlow asked if the stormwater workshops have been scheduled.

Town Manager Elizabeth Mascaro spoke about not receiving dates from BSE yet, possibly due to the fact that the drawings will not be done until the end of December.

Mayor Alison Dennington spoke about shooting for January for a stormwater workshop.

Town Manager Elizabeth Mascaro mentioned how this will most likely need to be phased. The problem areas are South Palm, Poinsettia, and Harland, which should be tackled first.

Mayor Alison Dennington suggested exploring the idea of hiring a grant writer.

Commissioner Tim Reed asked if BSE is contractually obligated to supply the documents in December.

Town Manager Elizabeth Mascaro said they are not contractually obligated because they are the Town's Engineer of record.

Mayor Alison Dennington spoke about how the Town RFP'd for an Engineer, received 2 responses, neither met the requirements, so the Town couldn't use those but you can hold onto them. We need to go out for RFP because they have been the engineer for years and it has expired. Engineering services have not been bid since 2017. There is no contract.

The Commission agreed to shoot for a January stormwater workshop. Asked for the drawings to be sent to the Commission.

G. Consideration on adding a General Provisions section to the Policies and Procedures Manual – Town Manager Elizabeth Mascaro – 4:30:10

Mayor Alison Dennington spoke about having a Policies and Procedures Special Meeting. Town Manager Elizabeth Mascaro spoke about how the Town does not currently have this policy, so this would be a brand new policy. Mentions paying for things such as flowers out of pocket because they are not supposed to use tax dollars. This essentially says in reasonable circumstances you can do these things. This came from Mount Dora's handbook. Did not include the Employee Wellness Program information, but that is something the Commission can consider.

Mayor Alison Dennington spoke about having a lot to say about this. The policy has the provision to supersede things, so all of the policies need to be included. Has received many different sets of Policies and Procedures. Wants there to be consistency and only one name. There are policies that are approved, but do not get followed. Amend the policies, make them clear and follow them.

Vice Mayor Dawn Barlow verified that this one is to add a provision that does not currently exist.

**Commissioner Robert Baldwin made a motion to table this proposed General Provisions section of the Policies and Procedures Manual pending the outcome of the workshop; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

Town Manager Elizabeth Mascaro said she needs some sort of timeframe to completely overhaul Policies and Procedures.

Mayor Alison Dennington spoke about being very upset because for a year the policies were supposed to be updated, but they never have been.

Vice Mayor Dawn Barlow spoke about trying to prioritize all of the items and work collectively together.

#### **14. Administrative Reports**

##### **A. Town Attorney**

No additions

##### **B. Town Manager – 4:45:55**

Commissioner Robert Baldwin asked about the stormwater sinkhole.

Town Manager Elizabeth Mascaro said it is small, and spoke about there being depressions on either side of the stormwater drain. Public Works has the ability to dig that up and see what is going on.

Commissioner Tim Reed asked about items 10 and 11 meetings with vacation rental software companies. What are the next steps? Asked about the status of the paving on Riverside.

Town Manager Elizabeth Mascaro spoke about waiting to receive a quote from one of the 2 companies. Feels Deckard Technologies is a better software, but it is more expensive. Spoke about Goodson reaching out asking if the final block should be paved. The paving project is well underway and might be done in a couple of weeks.

Mayor Alison Dennington asked about the notice of change order.

Town Manager Elizabeth Mascaro spoke about how the change order was to go down to Oak St and if it goes over \$5,000 it will be brought to the Commission.

Vice Mayor Dawn Barlow thanked Town employees on their significant anniversaries for their service to the Town.

Commissioner Anna Butler thanked the Town Manager for setting up a meeting for the new Commissioners to meet the staff.

Mayor Alison Dennington spoke about asking for things numerous times and never receiving them, so those requests should be on the Task List.

Vice Mayor Dawn Barlow said she has been building an outline of topics and subtopics that she wants to make a working document.

Town Clerk Amber Brown said nothing has been voted on to add to the Task List.

Town Manager Elizabeth Mascaro said there are tasks and then there are requests. Said she has made a to-do list from the meeting, but those are not considered tasks.

Mayor Alison Dennington passed the gavel.

**Mayor Alison Dennington made a motion that we add a provision to the Task List that are agreed to-do which the Town Manager says is different from a task and that she will start adding those which are maybe more short-term sort of things like agreed to do and she'll start adding that; Commissioner Robert Baldwin seconded; Motion carried 5-0.**

*Mark McBride – 310 Second – Spoke about why not have someone create a list then the next day send the list out to everyone, perhaps the To Do List. Suggests CCing fellow Commissioners on emails so they know when the Mayor does not get requested information.*

Mayor Alison Dennington said she feels uncomfortable CCing the other Commissioners because they will have an idea of each other's position on things before meetings.

#### 15. Commission Reports

#### 16. Task List

#### 17. Public Comment

#### 18. Adjournment

**Commissioner Robert Baldwin made a motion that we adjourn the meeting; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

Meeting adjourned at 11:04 p.m.

ATTEST:

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Alison Dennington  
Mayor

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Rachel Pembroke  
Transcriptionist

## Town Commission Meeting

**Section:** Unfinished Business  
**Meeting Date:** January 15, 2025  
**From:** Town Attorney Ryan Knight  
**RE:** Proposed Vacation Rental Ordinance Changes

### Background Information:

The Town Commission directed the Town Attorney to draft proposed changes to the vacation rental ordinance.

Revisions were made after the December 16, 2024 Town Commission Workshop.

### Recommendation:

Approve Ordinance 2024-05 Chapter 74 Vacation Rentals first reading.

### Attachments:

Ordinance 2024-05 Chapter 74 Vacation Rentals

**ORDINANCE NO. 2025-\_\_**

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 74, “VACATION RENTALS”; AMENDING REGISTRATION REQUIREMENTS; PROVIDING ADVERTISING REQUIREMENTS FOR VACATION RENTALS; AMENDING PARKING REQUIREMENTS TO LIMIT AMOUNT OF VEHICLES AT VACATION RENTALS AND ADVERTISING REQUIREMENTS; AMENDING MAXIMUM OCCUPANCY CAPACITY AND ADVERTISING REQUIREMENTS; PROVIDING FOR BACKGROUND CHECKS OF OCCUPANTS OVER EIGHTEEN YEARS OLD; PROVIDING FOR NOISE REGULATIONS AND PENALTIES; PROVIDING FOR REGISTRATION SUSPENSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 20, 2020, the Town Commission of the Town of Melbourne Beach adopted Ordinance 2020-02 to provide for the regulation of vacation rentals; and

**WHEREAS**, the Town Commission has conducted workshops and has directed staff to review parking requirements, maximum occupancy levels, and enforcement provisions related to vacation rentals; and

**WHEREAS**, after hearing from the citizens of the Town of Melbourne Beach, many of whom are directly impacted by vacation rentals, and after review of Ordinance 2020-02, the Town Commission desires to modify the provisions of Ordinance 2020-02 related to parking requirements and maximum occupancy levels, and to provide for enforcement and penalties related to violations of the Town Code of Ordinances related to vacation rentals.

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

**Section 1.** The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Commission pertaining to this Ordinance.

**Section 2.** Chapter 74, “Vacation Rentals,” of the Town of Melbourne Beach Code of Ordinances, shall be amended as follows (Note: additions indicated by underscore; deletions indicated by ~~striketrough~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (\*\*\*)):

**Section 3.** Chapter 74, “Vacation Rentals,” is hereby amended to read as follows:

## ARTICLE I. GENERAL PROVISIONS

### § 74-1. AUTHORITY, SCOPE, AND PURPOSE.

(A) This chapter is enacted under the home rule authority and power of the Town of Melbourne Beach in the interest of the health, peace, safety and general welfare of the citizens of the Town of Melbourne Beach.

(B) Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," defined as dwelling units which are rented, advertised or held out for rental to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, and "nontransient public lodging establishments," defined as dwelling units which are rented, advertised or held out for rental to guests for periods of at least 30 days or one calendar month, whichever is less.

(C) Section 509.242(1)(c), Florida Statutes, further provides for a subset of transient public lodging establishments, classified as "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

(D) It is the intent of this chapter to regulate vacation rental transient public lodging establishments as defined by Florida Statutes, which are located in the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts of the Town of Melbourne Beach, which may permit vacation rentals to operate pursuant to the Town of Melbourne Beach Code of Ordinances, Appendix A, Land Development Code §§ 7A 31-36, as may be amended from time to time.

~~(E) In 2011, the Florida Legislature passed House Bill 883 (Chapter 2011-119, Laws of Florida) amending Florida Statutes, § 509.032(7)(b) to provide that, "[a] local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."~~

(F) In 2014, the Florida Legislature passed Senate Bill 356 (Chapter 2014-71, Laws of Florida) amending Florida Statutes, § 509.032(7)(b) to read, "[a] local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration of frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

~~(G) The official statement of legislative intent of Senate Bill 356 as reflected in the House of Representatives' Final Bill Analysis, dated June 19, 2014, states that the "Effect of the Bill" is as follows:~~

~~(1) The bill permits local governments to create regulations that distinguishes vacation rentals from other residential property. In the past, local government regulations have included noise, parking, registration, and signage requirements for vacation rentals.~~

~~(2) The bill does not allow local governments to create regulations that would prohibit vacation rentals or restrict the duration or frequency of vacation rentals. These types of regulation remain preempted to the state.~~

~~(3) The grandfather provision in existing law exempting any local law, ordinance, or regulation adopted on or before June 1, 2011, is maintained. Any local law, ordinance, or regulation passed before that date that prohibits or restricts vacation rentals based on the duration or frequency may continue to be enforced.~~

(H) This chapter does not prohibit vacation rentals, or the duration or frequency of vacation rentals, nor is it the intention of the Town of Melbourne Beach to do so, but rather, this chapter is intended to address life, safety, and compatibility concerns in the interests of the health, peace, safety, and general welfare of the citizens and visitors to the Town of Melbourne Beach.

## **§ 74-2. FINDINGS OF FACTS.**

Based on information presented to the Town Commission Members by residents of Melbourne Beach and managers, owners, and operators of vacation rentals, the practical first-hand experience and observations of Town Commission Members, common sense deductions of Town Commission Members based on long-term experiences in Melbourne Beach and familiarity with the character of the town's residential zoning districts, information learned by Town of Melbourne Beach staff, information from the U.S. Census as well as evidence and testimony presented at public hearings before the Town Commission, and after consideration of the Short- Term Rental Housing Restrictions White Paper, prepared by Robinson & Cole, Attorneys at Law, in 2011, prepared for the National Association of Realtors®, the Town Commission finds:

(A) Residents residing within their residential dwelling units are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families.

(B) In contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation.

(C) Certain vacation rentals ~~may be~~ are presently ~~located~~ operating within the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts of the Town of Melbourne Beach without registering with the Town and are in violation of the Town of Melbourne Beach Code of Ordinances.

(D) Vacation rentals, left unregulated, can create negative impacts within residential neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, extreme size, and/or greater occupancy.

(E) Vacation rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods and the quiet enjoyment of residents of such neighborhoods.

(F) Vacation rentals located within established residential neighborhoods can create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues, and traffic congestion.

(G) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of vacation rentals.

(H) According to the U.S. Census, (2010), the Town of Melbourne Beach has an average household size of 2.30 persons.

(I) According to the U.S. Census, (2010), the Town of Melbourne Beach has an average household size of owner-occupied units of 2.36 persons.

(J) According to the U.S. Census, (2010) the Town of Melbourne Beach has an average household size of renter-occupied units of 2.02 persons.

(K) Vacation rentals situated in the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts can and do create a great disparity in occupancy.

(L) The town finds that such rentals increase the demands upon code enforcement, police, fire, and emergency services beyond those created by non- vacation rental residential dwelling units.

(M) Vacation rental use and longer-term residential use and ownership can be generally incompatible, due to rapid turnover associated with short-term vacation residential use and its potentially disruptive effect on the peaceful use and enjoyment of residential areas.

(N) The primary reasonable investment-backed expectation of owners of residential dwelling units in the town is that adjacent and surrounding residential dwelling units will be used as family occupied residential units and not vacation rentals.

(O) Vacation rentals are a use that is more similar to the character of the use of hotels, motels, and timeshares than to that of family-occupied residential units.

(P) The regulation of vacation rentals will contribute to the stability of existing residential neighborhoods.

(Q) The regulation of vacation rentals will protect visitors to the town by assuring that fire and safety inspections are periodically conducted, that they receive necessary information



about the dwelling which they have rented, and notifying them of the owner of the dwelling's obligation to provide for their safety and welfare.

(R) The regulation of vacation rentals is necessary in order to protect the public health, safety and welfare of the town, its residents and its visitors.

### **§ 74-3. DEFINITIONS.**

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

***BEDROOM.*** Any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, a kitchen, a dining room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a bedroom. If a previously approved bedroom exists as of the effective date of this chapter and does not have a separate closet that is an integral part of the permanent construction of the structure, but rather utilizes an armoire or other furniture piece for clothing storage, the requirement for a closet to qualify as a bedroom is waived.

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

***FAMILY.*** Shall be defined as provided in § 1A-3, Appendix A, Land Development Code.

***LIVING AREA.*** The minimum floor area of a residential dwelling as measured by its outside dimensions exclusive of carports, porches, sheds and attached garages. As used in this chapter, the total living area shall be computed as follows: the exterior dimensions of all enclosed spaces within the framework of the dwelling unit (length and width) multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.
- (4) A utility room within the framework of the residential dwelling and accessible within the main living area constitutes living area.

***OCCUPANT.*** Any person who occupies a vacation rental overnight.

**OWNER-OCCUPIED.** The vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner.

**PEER-TO-PEER PLATFORM/ENTITY.** Any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupant whether through the internet or other means.

**RESPONSIBLE PARTY.** The owner, or the person designated by the owner of a vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of the occupants of the vacation rental.

**TOWN CODE.** The Town of Melbourne Beach Code of Ordinances and Land Development Code, Appendix "A" to the Code of Ordinances, including, but not limited to, the Zoning Code of the Town of Melbourne Beach, Florida, the Comprehensive Plan, the Future Land Use Map, and any items incorporated by reference.

**TRANSIENT PUBLIC LODGING ESTABLISHMENTS.** Any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to quests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

**VACATION RENTAL.** Collectively a vacation rental as defined under Florida Statutes, and any transient public lodging establishment, which is operated in a dwelling unit or living unit as defined under § 1A-3, Appendix A, Land Development Code in the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts of the Town of Melbourne Beach.

**VACATION RENTAL OWNER.** The fee simple owner of the Vacation rental property, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner as provided in this chapter. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the town in writing, on a form provided by the town, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by the Town Commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

#### **§ 74-4. ENFORCEMENT.**

Violations of this chapter shall be enforced as code violations in accordance with the provisions of Florida Statutes, Chapter 162, and §§ 11-15 through 11-22 of the Town of Melbourne Beach Code of Ordinances.

#### **§ 74-5. APPEALS.**

Any decision of the Town Manager or his or her authorized designee relating to implementation of this chapter shall be rendered in writing in appealable form, and reviewed by the Town Attorney if a notice by the vacation rental owner or agent is filed with the Town Clerk within ten days after the action to be reviewed. The Town Clerk or designee shall place the matter on the agenda of the next available meeting of the Town Commission, but no later than 35 days after the notice by the vacation rental owner or agent is filed, at which the matter will be reviewed. The decision of the Town Commission shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law.

#### **§ 74-6. CONSTRUCTION OF CHAPTER.**

This chapter shall be liberally construed to accomplish its purpose of regulating vacation rentals, protecting the residential character of the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts of the Town of Melbourne Beach, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Melbourne Beach residents of their residential property located in the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts.

#### **§§ 74-7. – 74-14. RESERVED.**

### **ARTICLE II. VACATION RENTAL REGISTRATION**

#### **§ 74-15. REGISTRATION REQUIRED.**

~~As of August 1, 2020, a~~ A vacation rental registration shall be required to operate a vacation rental within the Town of Melbourne Beach in the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts, utilizing forms promulgated by the town, electronically or in hard copy. ~~The town may extend the date that such registration is required by notice on the town's website should the town not publish forms and fees for registration by July 1, 2020.~~ Prior to the issuance of a vacation rental registration certificate, the responsible party has the affirmative duty to ensure that the residential dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the appropriate portions of Town of Melbourne Beach Code of Ordinances, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Codes. A separate vacation rental registration shall be required for each separate residential dwelling unit constituting a vacation rental. ~~The operation of a vacation rental without registration after the date registration is required shall be a violation of this chapter, except in the instance of providing accommodations to fulfill a pre-existing contract.~~

## **§ 74-16. VACATION RENTAL REGISTRATION.**

(A) A vacation rental owner, agent, or responsible party, as applicable, registering a vacation rental with the town shall submit to the town a completed registration form, utilizing a form promulgated by the town, together with all applicable registration and inspection fees in the amount set by resolution of the Town Commission.

(B) A registration application shall include the following:

(1) Full address of the vacation rental property being registered, along with proof of ownership;

(2) Name, physical address, phone number, and e-mail, of the vacation rental owner;

(3) Name, physical address, e-mail, and emergency contact phone number of responsible party for the vacation rental, which shall be a 24-hour, seven days a week contact number;

(4) The vacation rental's current and active license number as a transient public lodging establishment issued by the Florida Department of Business and Professional Regulation (DBPR), if the registrant has such license;

(5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Brevard County for sales and tourist development tax collection, respectively, if the registrant has such certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible party's behalf;

(6) Business tax receipt from the Town of Melbourne Beach, if applicable, in accordance with Chapter 65, Town of Melbourne Beach Code of Ordinances;

(7) Statement attesting to the number of bedrooms and paved off-street parking spaces available on the property demonstrating compliance with § 7A-50, Land Development Code regarding off-street parking and affirming that, "parking serving the vacation rental shall be in compliance with all town parking requirements;"

(8) Exterior site sketch. An exterior sketch of the vacation rental facility shall be provided. The sketch shall show and identify all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. At the option of the vacation rental owner, such sketch may be hand drawn and need not be professionally prepared, but must be scaled, must show dimensions, and must show scale;

(9) Interior building sketch by floor. A building sketch by floor shall be provided, showing a floor layout identifying all bedrooms, other rooms, exits, hallways, stairways, and safety equipment as applicable. At The option of the vacation rental owner, such sketch may be hand drawn, and need not be professionally prepared, but must be scaled, must show dimensions, and must show scale;

(10) Acknowledgment signed by the vacation rental owner, agent, or designated responsible party, understanding and agreeing to initial and ongoing compliance with this chapter and all other applicable local, state, and federal laws, regulations, and standards; and

(11) The landline telephone number on the main level and in the common area at the vacation rental with the ability to call 911 as required by §§ 74-35 through 74-39.

(C) If a registration form is incomplete, the registrant will be notified of the deficiency, and be allowed 15 days to provide any missing information.

(D) The operation of a vacation rental without registration after the date registration is required shall be a violation of this article and is considered irreparable. The advertising or advertisement of an unregistered vacation rental is direct evidence of offering a property for rent as a vacation rental in violation of § 74-15 and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of § 74-15. Every day of such operation, advertising, or advertisement without registration shall constitute a separate violation.

(E) Any vacation rental being advertised or promoted must include the approved registration number issued by the town. The advertisement or promotion of a vacation rental without the approved registration number issued by the town shall constitute prima facie evidence of a violation of this article.

## **§ 74-17. MODIFICATION/CHANGE OF OWNERSHIP OF VACATION RENTAL REGISTRATION.**

(A) An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee set by resolution, in the event that any of the following changes to the vacation rental are proposed:

- (1) An increase in the number of bedrooms in the vacation rental.
- (2) An increase or decrease in the number of parking spaces or a change in the location of parking spaces for the vacation rental.
- (3) A change in the designated responsible party,

(B) A change of ownership shall require a new application and all required documents including appropriate fees set by resolution.

#### **§ 74-18. DURATION OF VACATION RENTAL REGISTRATION.**

A vacation rental registration shall be valid for one year after the date of registration.

#### **§ 74-19. RENEWAL OF VACATION RENTAL REGISTRATION.**

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration. At the time of said renewal, the vacation rental shall be subject to an annual inspection and applicable renewal fees shall apply.

#### **§ 74-20. INSPECTION OF VACATION RENTALS.**

(A) Inspection of a vacation rental to verify compliance with the Florida Building Code and the Florida Fire and Life Safety Codes, which governed at the time of completion of the construction of the subject residential dwelling unit, shall be required subsequent to the initial registration of the vacation rental and annually after each renewal. If instances of noncompliance are found, all such instances of noncompliance shall be handled as other violations of the Florida Building Code and Florida Fire and Life Safety Codes are otherwise handled in the town. Enforcement of violations of the Florida Building Code and Florida Fire and Life Safety Codes by the town shall not affect rental contracts that preexist the effective date of this chapter unless such violations present a heightened threat the public, health, safety, and welfare of the occupants of a vacation rental. This inspection fee shall be set by Resolution of the Town Commission.

(B) Annual inspections to verify compliance with the Florida Building Code and the Florida Fire and Life Safety Codes, and the posting of notice requirements required herein shall be made by the town or designated contractor through appointment with the vacation rental owner, agent, or responsible party, as applicable. The annual inspection fee shall be set by Resolution of the Town Commission. If a Town Inspector or designated contractor has made an appointment with vacation rental owner or agent, as applicable, for an inspection, and the Town Inspector or designated contractor is unable to complete the inspection as a result of an action or inaction of the vacation rental owner, agent, responsible party, or an occupant of the vacation rental, the vacation rental owner shall be charged a "re-inspection" fee in an amount set by resolution of the Town Commission to cover the inspection expense incurred. The re-inspection fee shall be paid prior to scheduling the re-inspection. In addition, failure of a vacation rental owner agent, or responsible party, as applicable, to make the vacation rental available for an inspection within 20 days after notification by the town in writing that the town is ready to conduct an annual inspection, shall be a violation of this chapter punishable by a fine as set by resolution by the Town Commission. Such violation shall continue until the inspection is accomplished. Each day that such violation continues shall be a separate violation. Such violation may be enforced in accordance with § 74-4, Town of Melbourne Beach Code of Ordinances.

## **§ 74-21. SALE OF VACATION RENTAL PROPERTY.**

When the ownership of the vacation rental is sold or otherwise transferred, the new owner shall file a new registration with the town within 30 days from the date of the sale or transfer. Failing such application for registration, any Certificate of Compliance as to that Vacation Rental Property shall be null and void on the thirty-first day after such sale or transfer.

## **§ 74-22. VESTED RIGHTS/WAIVER/ESTOPPEL.**

A vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel. A vacation rental registration shall not be construed as a waiver of any other requirements contained within the Town of Melbourne Beach Code of Ordinances and is not an approval of any other Town Code requirement outside this chapter. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code, or in violation of the Town of Melbourne Beach Code of Ordinances.

## **§ 74-23. FALSE INFORMATION.**

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this chapter. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application. In addition, such violations shall be enforced as provided in § 74-4, Town of Melbourne Beach Code of Ordinances.

## **§ 74-24. EFFECTIVE DATE FOR EXISTING REGISTERED VACATION RENTALS.**

The provisions of § 74-15 through § 74-23 will not become effective for existing registered vacation rental properties until March 1, 2025. If the registration forms to implement the required registration provisions of this chapter are not available on July 1, 2020, the town may extend the requirement to register vacation rental properties by notice on the town's website. Existing registered vacation rentals that are in full compliance with this Chapter and the Town of Melbourne Beach Code of Ordinances will have the greater of one hundred eighty (180) days or the end of their current registration period to become compliant with this Chapter.

## **§ 74-25. DUTIES OF VACATION RENTAL OWNER OR RESPONSIBLE PARTY.**

(A) Every vacation rental owner or responsible party, as applicable, shall be available by phone at the listed phone number 24-hours a day, seven days a week to respond to police, fire, or other emergency personnel requests. Otherwise, response to attempted contact by the town's vacation rental regulatory personnel shall be required only Monday through Friday, except holidays, from 9 a.m. to 5 p.m. Failure of the vacation rental owner or responsible party, as applicable, to fulfill this duty, shall constitute a violation of this chapter which shall be punished by fine in accordance with § 74-4, Town of Melbourne Beach Code of Ordinances.

(B) Responsible party. All vacation rental units, if not managed by the vacation rental owner, shall have a designated responsible party.

(1) The responsible party shall be available 24 hours per day, seven days a week, for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. The responsible party must have authority to immediately address and take affirmative action, within one hour of notice from the town, on violations concerning life-safety, noise, and parking violations. A record shall be kept by the town of the complaint and the responsible party's response, as applicable.

(2) A vacation rental owner may change his or her designation of a responsible party temporarily, up to 30 cumulative days during any consecutive 12-month period, or permanently; however, there shall only be one designated responsible party for each vacation rental property at any given time. To change the designated agent or responsible party, the vacation rental owner shall notify the town in writing including all information required by § 74-16(B)(3) Town of Melbourne Beach Code of Ordinances, along with a signed affidavit from the new responsible party acknowledging and agreeing to serve in this capacity and perform the duties of this chapter. Any notice of violation or legal process which has been delivered or served upon the previous responsible party, prior to the town's receipt of notice of change of the responsible party, shall be deemed effective service.

(3) It shall be the sole responsibility of the vacation rental owner to appoint a reliable responsible party and to inform the town of his or her correct mailing address, telephone number, and email address. Failure to do so shall not be a defense to a violation of this section. Service of notice on the responsible party shall be deemed service of notice on the vacation rental owner, occupant, or violator.

(C) (1) A vacation rental owner or responsible party is responsible for ensuring sexual offenders/predators as defined in Florida Statutes § 775.21, § 943.0435, § 944.607, or § 985.4815 register at the Brevard County Sheriff's office and the Town of Melbourne Beach Police Department following the process set forth in § 775.21, 48 hours prior to arrival at a vacation rental, regardless of the length of stay.

(2) A vacation rental owner and/or responsible party shall comply with Florida Law, § 775.215, as amended from time to time, and § 73-53 of the Town of Melbourne Beach Code of Ordinances pertaining to the distance separation of homes with a sexual offender/predator residing within the vacation rental and any business, school, child care facility, park, playground, or other places where children regularly congregate.

(3) Failure to comply with this section shall constitute a violation of this chapter and shall result in the revocation of the business tax receipt, if applicable, and vacation rental registration for the vacation rental and other enforcement provisions outlined in § 74-4, Town of Melbourne Beach Code of Ordinances.



(D) The vacation rental owner or responsible party shall inquire prior to check-in if any guest of at the vacation rental is a sexual offender/predator as defined in § 775.21, § 943.0435, § 944.607, or § 985.4815. If any guest of a vacation rental is a sexual offender/predator as defined in § 775.21, § 943.0435, § 944.607, or § 985.4815, the operator shall immediately notify the Melbourne Beach Police Department. A vacation rental owner and/or responsible party shall obtain a sexual predator background check for each vacation rental occupant who is 18 years of age or older at least forty-eight (48) hours prior to check-in, a copy of the photo identification of each vacation rental occupant who is 18 years of age or older prior to check-in, and shall maintain those records for a period of one year from the date of check-in and make such records available to the town upon request.

(E) The owner or responsible party shall provide the town, and post in a conspicuous place in the living area of the vacation rental, the name, address, and day/evening telephone numbers of the responsible party who shall be available 24 hours per day, seven days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible party shall require written notification to the town on forms provided by the town and in a manner promulgated by the town upon payment of the applicable fees.

(F) Complaints made to the responsible party concerning violations of this chapter by occupants of vacation rental shall be responded to within a reasonable time but in no instance greater than three hours. A record of the complaint and of the responsible party's response shall be maintained in the file for the registration of the vacation rental and shall be available for inspection of the public during business hours of the town in accordance with Florida's public record law.

(G) It shall be the sole responsibility of the vacation rental owner to appoint a reliable responsible party and to inform the responsible party of his or her correct contact information. Failure to do so shall not be a defense to the town's claim of delivery of notice of a violation of this chapter to the responsible party. No vacation rental owner shall designate as a responsible party any person who does not expressly comply with the provisions of this section. The vacation rental owner or the responsible party shall be deemed to be the "violation" of this chapter as the term is used in Florida Statutes § 162.06. Service of notice on the responsible party shall be deemed service of notice on the vacation rental owner, occupant, or violator.

**§§ 74-26. – 74-34. RESERVED.**

### **ARTICLE III. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

#### **§ 74-35. GENERALLY.**

The standards and requirements set forth in this Article shall apply to the rental, use, and occupancy of vacation rentals in the Town of Melbourne Beach.

### **§ 74-36. MINIMUM LIFE/SAFETY AND OPERATIONAL REQUIREMENTS.**

Vacation rentals in the Town of Melbourne Beach shall meet all applicable standards under the Florida Statutes, the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code. Each vacation rental shall also have the following:

(A) At least one landline telephone on the main level and in a common living area with the ability to call 911. The landline telephone number shall be registered at all times with Brevard County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the City of Melbourne, the water provider within the Town of Melbourne Beach, for the purposes of receiving boil water alerts and rescinding alerts.

(B) A swimming pool, spa, or hot tub shall comply with the current standards of Florida Statutes, Chapter 515, Residential Swimming Pool Safety Act.

(C) Smoke and carbon monoxide (CO) detection and notification system. There shall be a smoke and carbon monoxide detection system, installed and maintained in compliance with the requirements of Florida Building Code Residential, Sections R314 Smoke Alarms R315 Carbon Monoxide Alarms. Smoke and carbon monoxide detection systems shall have both audio and visual warning function capabilities.

(D) Fire extinguisher. On each floor there shall be available a portable, multi-purpose dry chemical 2A: 1 0B:C fire extinguisher, which shall be installed and maintained in compliance with NFPA 10.

(E) Battery powered emergency lighting. Battery powered emergency lighting, which illuminates automatically for at least one hour when electricity is interrupted, is required at each building exit.

### **§ 74-37. MAXIMUM OCCUPANCY BASED ON SITE CAPACITY/LIMITATIONS/GRANDFATHERING.**

(A) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form and shall be limited to the lesser of: two occupants per bedroom plus two occupants in one common living area, with a maximum capacity of 12 persons in any vacation rental.

(1) Two (2) occupants per bedroom.

(2) A total of ten (10) occupants per vacation rental.

(B) The maximum occupancy restriction as set forth above shall not apply when the property serves as the primary residence of, and is occupied by, the vacation rental owner.

(C) Notwithstanding the above, residential dwelling unit that is being used as a vacation rental on the effective date of this chapter, may apply for grandfathered status, which, if granted, allows operation of the grandfathered vacation rental at a capped occupancy rate higher than ~~12~~ 10 occupants for a period not to exceed ~~ten~~ one year. Vacation rentals that have an occupancy of ~~12~~ 10 occupants or less do not require grandfathering to maintain that occupancy.

(1) A grandfathered vacation rental shall have its maximum occupancy based upon two persons per bedroom and two additional persons per one common living area being utilized for the occupants of the vacation rental at the time of application for grandfathered status. A change in the number of bedrooms at the vacation rental shall cause such vacation rental to lose its grandfathered status.

(2) The vacation rental owner, agent, or responsible party, as applicable, ("grandfathering applicant"), shall complete a grandfathering application as prescribed by the town, which shall be submitted under oath and upon penalty of perjury and shall provide verifiable written proof of the number of bedrooms and living areas as herein defined in the vacation rental.

(3) The grandfathering application and supporting proof shall be submitted to the town for review by town staff which shall make a written determination as to the maximum occupancy of the grandfathered vacation rental.

(4) If the town staff denies the requested occupancy level, the Town of Melbourne Beach shall notify the grandfathering applicant of the denial and shall provide the maximum approved occupancy level for the vacation rental in writing. Within 20 days after the service of the written notice, the grandfathering applicant may appeal the denial of the grandfathering application to the Town Commission by filing a written appeal with the Town Clerk. At the hearing on said appeal, the grandfathering applicant may present evidence supporting the requested occupancy. A final determination of occupancy by the Town Commission after the hearing of said appeal shall be final. Such final determination may be reviewed as permitted under Florida law. If no written appeal is filed within the 20-day period stated herein, the occupancy determined by the town staff shall be final.

(5) An application for grandfathered status shall be submitted, no later than the time of initial registration of the vacation rental, along with fees established by the Town Commission by resolution. If the town extends the date that registration is required, the deadline for the submission of grandfathering applications shall also be extended to the same extended date. If a vacation rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such vacation rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.

(6) If it is reasonably determined by the town staff that any information supplied to the Town of Melbourne Beach in support of a grandfathering application was intentionally false or fraudulent, such action shall be deemed to be a violation of this chapter and may be enforced in accordance with § 74-4, Town of Melbourne Beach Code of Ordinances.

(7) If a vacation rental registration remains expired period in excess of ~~13 months~~ 60 days, any grandfathering determination shall be deemed abandoned and shall no longer be applicable to the previously registered vacation rental.

(D) All marketing and/or advertising for vacation rentals must contain information concerning the occupancy limit of the vacation rental. Advertising for more than the allowable occupancy or failure to include such occupancy limits is prima facie evidence of a violation of this section.

#### **§ 74-38. PARKING, SOLID WASTE DISPOSAL, LEGAL COMPLIANCE, EVACUATIONS, MISCELLANEOUS PROVISIONS.**

(A) All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, must be parked in compliance with §§ 30-41 through 30-48 of the Town of Melbourne Beach Code of Ordinances. All vehicles utilized by the occupants of the vacation rental must be parked within a driveway located on the subject property. There shall be no sidewalk, on street, right-of-way, or grass parking. The maximum collective number of automobiles, trucks, boats, motorcycles, and trailers shall be limited to a total of four (4) at any vacation rental. Violations of this section may be punished through town parking citations in accordance with section 30-44 of this code or ordinances, and vehicles parked in violation of the approved parking plan or which otherwise interfere with convenient vehicle access to and through the neighborhood are subject to being towed at the vehicle owner's expense.

(B) Parking of trailers, boats, and recreational vehicles at vacation rentals shall be in accordance with § 7A-57, Appendix "A," Land Development Code.

(C) Solid waste disposal (household garbage, recycling, and yard trash) at vacation rentals shall be in compliance with the solid waste franchise agreement adopted by the town.

(D) Vacation rental occupants are required to comply with all local, state, and federal laws at all times, including those related to illegal activities, local nuisance ordinances, and emergency management.

(E) Vacation rental occupants are required to participate in all mandatory evacuations due to hurricanes, tropical storms, or other threats to resident safety, as required by state and local laws.

(F) A vacation rental shall not be eligible for a special event permit under Chapter 52, Town of Melbourne Beach Code of Ordinances.

(G) No temporary storage containers may be stored on the vacation rental premises. The term "temporary storage container" shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the town for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the Building Department a temporary storage container may be authorized during valid construction permit activity for this location.

(H) Except for dwelling and living unit structures that constitute nonconforming structures pursuant to § 7A-83, Appendix A, Land Development Code, no accessory structure, vehicle, recreational vehicle, trailer, camper, or similar apparatus shall be utilized, rented, or registered as a Vacation Rental.

(I) All marketing and/or advertising for vacation rentals must contain the maximum parking available on the property. Advertising for more than the allowable parking or failure to include such parking limits is prima facie evidence of a violation of this section.

#### **§ 74.39. NOISE REGULATIONS; EXCEPTIONS.**

No occupant or visitor of a vacation rental at any time shall create, or cause to be created any noise or sound which is clearly audible within any other residence when the residence in which the noise or sound is clearly audible has its windows and doors closed. This shall not include cries for emergency assistance or warning calls, properly functioning HVAC systems, pool pumps, lawn mowers, leaf blowers, or fire alarms or burglar alarms prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the vacation rental served by any such alarm to turn off the alarm. The provisions of this section are in addition to other noise regulations generally applicable in the town.

#### **§ 74.40. NOISE REGULATIONS; PENALTIES.**

- (a) Noise violations may be enforced utilizing any legal means, including, but not limited to, citations issued by code officers, police officers, or any other person designated by the Town Manager, arrest, actions before the special magistrate, or injunctive relief. Citations issued to renters shall be in amounts as set by resolution of the Town Commission.
- (b) If there are three (3) noise violations with citations (whether such violations are paid, or if they are challenged and the special magistrate upholds such citation), issued over a rolling period of twelve (12) months, the special magistrate, at the request of the town, may deem the property a "noise nuisance property" to be effective for a period of twelve (12) months from the later of the special magistrate order deeming the property a "noise nuisance property" or any citation for a noise violation as to such property, and may impose one (1) or more of the following orders:

- (1) Require that whenever in the twelve (12) months following the special magistrate order there is a change of occupancy of the property (i.e., new people staying in and/or renting the noise nuisance property) the property owner or responsible party must provide proof to the town that the property owner or responsible party has visited the property during the first day of the stay of the new tenants and delivered a copy of the town's noise ordinances to the new occupants of the property and explained the seriousness of the violations of such ordinances and the fines and penalties which are applicable. Failure to provide said notice shall constitute operating without registration and the vacation rental owner shall be subject to the applicable fine for operating without a registration.
- (2) Require that the owner of the noise nuisance property shall be required to impose for all future rentals of the noise nuisance property over the next twelve (12) months, an additional deposit in an amount no less than five hundred dollars (\$500.00), with the condition of the deposit being that it will be forfeited to the town if the renter or any occupant of the noise nuisance property receives a noise violation during the term of the rental agreement. All such renters and occupants shall be warned, by the property owner or responsible party, of such additional deposit and what would cause the forfeiture of such deposit prior to execution of the rental agreement. A prominent notice of the conditions of such deposit and the potential forfeiture of such deposit shall be posted in each and every noise nuisance property. Failure to require the additional deposit shall constitute a violation of town regulations and the property owner shall be subject to a penalty in the amount charged for operating without registration. Proof of the additional deposit must be provided to the town by the property owner or responsible party for each and every rental of the property as long as the property is designated a noise nuisance property.

**§ 74-39 41. REQUIRED POSTING OF LOCAL INFORMATION IN A VACATION RENTAL AND IN AGREEMENT.**

(A) In each vacation rental, there shall be posted, in a prominent location on the inside of the vacation rental, the following written information:

- (1) The official street address and landline telephone phone number of the vacation rental.
- (2) The name, address, and phone number of the vacation rental owner or responsible party as applicable.
- (3) The maximum occupancy of the vacation rental.
- (4) A copy of a document to be supplied by the town which includes excerpts from Town of Melbourne Beach Code of Ordinances of general application relevant to vacation rentals, including, but not limited to, solid waste and recycling pick-up regulations and days/times, regulations related to sea turtles and sea turtle lighting, parking, and noise

regulations. Said document shall also be included as an addendum to each vacation rental agreement. The town will make available to vacation rental owners and agents a copy of such document in digital format upon request and the town will post such document on its website.

(5) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking and a notice that visitors to the vacation rental, must comply with §§ 30-41 through 30-48, Town of Melbourne Beach Code of Ordinances.

(6) Phone number and address of Holmes Regional Medical Center Melbourne and Health First Viera Hospital and directions from the vacation rental to the hospital.

(7) Emergency and nonemergency phone numbers for Melbourne Beach Police and Fire Departments.

(8) Emergency evacuation instructions.

(9) Rip currents are prevalent in the Atlantic Ocean here in Brevard County. Information from the National Weather Service, available via from <http://weather.gov/mlb> shall be provided to occupants on the dangers of rip currents that occur in the Atlantic Ocean shall be prominently displayed.

(10) Notice of the need for respect for the peace and quiet of neighborhood residents in compliance with Chapter 48, Town of Melbourne Beach Code of Ordinances. A statement shall specifically provide that occupants shall be prohibited from making excessive or boisterous noise in or about any residential dwelling unit at all times.

(11) In addition, there shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map - minimum eight and one-half inches by 11 inches.

(12) A vacation rental agreement must include a list of occupant names and a record of the license plate numbers of vehicles used by occupants during any rental term or such information shall be provided in writing to the vacation rental owner prior to, or at the time of, the commencement of the rental term. This information shall be maintained by a vacation rental owner for no less than one year from the commencement of the rental term.

#### **§ 74-41. REGISTRATION SUSPENSION**

The code enforcement magistrate or court may, in addition to assessing code enforcement fines and orders requiring compliance, as provided for in Chapter 11, Article II of the town's code of ordinances and state law, as may be amended, may order that the vacation rental owner's registration, and accompanying authorization to operate, may be suspended for the following reasons and for up to the corresponding suspension periods:

- (a) Knowingly submitting false information in support of a registration application as prohibited by section 74-23 for a period of up to one (1) year.
- (b) Three orders finding a violation of any provision of this article within a six-month period, where the orders finding violation have become final through any timely appeal, for a period of up to six (6) months.
- (c) Allowing a vacation rental to be rented by, and actually used by occupants, during a period of suspension, for a period of up to one (1) year.

**§§ 74-402. – 74-49. RESERVED.**

## **ARTICLE IV. EXEMPTIONS**

### **§ 74-50. EXEMPTION FOR PRE- EXISTING RENTAL AGREEMENTS.**

(A) Notwithstanding any other provision of this chapter, rental agreements with prospective occupants for vacations rentals that were pre-existing as of the effective date of this chapter (hereinafter "Pre-existing Agreements") are exempt from the provisions of this chapter.

(B) If a vacation rental owner is cited for a violation of noncompliance with this chapter, when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this chapter due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner:

- (1) Copy of deposit or payment information evidencing a pre-existing agreement;
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement;
- (3) Information from the occupant confirming that there was a binding preexisting agreement; or
- (4) Written vacation rental agreement dated prior to April 15, 2020.

(C) Any person who supplies false or fraudulent information supporting a pre-existing agreement shall be in violation of this chapter and shall be subject to enforcement in accordance with § 74-4, Town of Melbourne Beach Code of Ordinances.

(D) Determination of exemption of a pre-existing agreement for a vacation rental from the requirements of this chapter under this section shall not exempt the occupants of the vacation rental from compliance with all other Town of Melbourne Beach Code of Ordinances requirements, including those related to noise, parking, nuisances.



# **§ 74-51. EXEMPTION FOR OWNER-OCCUPIED VACATION RENTALS.**

The provisions of this chapter shall not apply to owner occupied vacation rentals or property which qualifies as homestead under the Florida Constitution and Florida law. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form:

"Affidavit of Exemption"

State of

County

Before me the undersigned authority personally appeared (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.

2. I own the following real property in the Town of Melbourne Beach, Brevard County, State of Florida:

(Legal description and Street Address)

3. Check one or both as applicable:

( ) I currently occupy the property described in Paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.

Or

( ) I have applied for and received the homestead tax exemption as to the above-described property, that is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.

4. The purpose of this Affidavit is to qualify for exemption from the Chapter 74 of the Town of Melbourne Beach Code of Ordinances regulating Vacation Rentals.

Sworn to (or affirmed) and subscribed before me by means of or online notarization, this day of (year) by "Notary".

**Section 4.** Codification. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Melbourne Beach, as additions or amendments thereto.

**Section 5.** Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance

and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**Section 6.** Conflicting Ordinances. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**Section 7.** Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

TOWN OF MELBOURNE BEACH, FLORIDA

By: \_\_\_\_\_  
ALISON DENNINGTON, Mayor

ATTEST:

(TOWN SEAL)

\_\_\_\_\_  
Amber Brown, Town Clerk

## Town Commission Meeting

**Section:** Unfinished Business  
**Meeting Date:** January 15, 2025  
**From:** Town Attorney Ryan Knight  
**RE:** Proposed Noise Ordinance Changes

### Background Information:

The Town Commission directed the Town Attorney to draft proposed changes to the noise ordinance.

Revisions were made after the December 16, 2024 Town Commission Workshop.

### Recommendation:

Approve Ordinance 2024-06 Charter 48 Noise Control first reading.

### Attachments:

Ordinance 2024-06 Chapter 48 Noise Control

**ORDINANCE NO. 2025-\_\_**

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 48, “NOISE CONTROL,” RELATING TO NOISE REGULATIONS; AMENDING REGULATIONS, DEFINITIONS, AND TESTING PROTOCOLS RELATED TO NOISE RESTRICTIONS; PROVIDING MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SPECIAL PERMITS AND LICENSE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Constitution and Laws of Florida authorize the Town of Melbourne Beach to adopt ordinances regulating, restricting, or prohibiting the production or emission of noises that tend to annoy, disturb, or frighten its citizens; and

**WHEREAS**, the measurement of noise level presents unique challenges, particularly along busy roadways; and

**WHEREAS**, the Town Commission finds the reliance upon a “reasonable person” standard in cases where it is impractical to perform a noise level reading due to ambient noise levels injects and undue amount of subjectivity into the process of determining noise levels; and

**WHEREAS**, the Town Commission finds it to be more reasonable and effective to use the ambient noise level as the maximum noise level in circumstances when ambient noise meets or exceeds the maximum noise level allowed by the Code; and

**WHEREAS**, it is the policy and intent of the Town of Melbourne Beach to protect the health, safety, and welfare of its citizens and to promote an environment free from sound and noise disruptive of peace and good order.

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

**Section 1.** Chapter 48, “Noise Control,” of the Town of Melbourne Beach Code of Ordinances, shall be amended as follows (Note: additions indicated by underscore; deletions indicated by ~~striketrough~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (\*\*\*)):

**Section 2.** The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Commission pertaining to this Ordinance.

**Section 3.** Chapter 48, “Noise Control,” is hereby amended to read as follows:

## CHAPTER 48: NOISE CONTROL

## § 48-1. UNUSUAL AND LOUD NOISE PROHIBITED.

~~—(a) It shall be unlawful, for any person, firm or corporation to create or assist in creating any unreasonably loud and disturbing noise in the town. Noise of such character, intensity and duration as to be detrimental to the public health, welfare and peace is prohibited. except as expressly permitted in this article, to make, cause or allow the making of any noise or sound in such a manner as to create a noise disturbance.~~

~~—(b) The following acts, among others, are declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:~~

~~—(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound or the sounding of such device for an unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.~~

~~—(2) The playing of any radio (except in a motor vehicle as defined in Section 316.003, Florida Statutes), phonograph, or other musical instrument in a manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel or other type of residence.~~

~~—(3) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.~~

~~—(4) The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in a manner as to create loud grating, grinding, rattling or other noise.~~

~~—(5) The blowing of any steam whistle attached to any stationary boiler or engine, except to give notice of the time to begin or stop work or as a warning of danger.~~

~~—(6) The sounding of any bell or gong (except emergency equipment) attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.~~

~~—(7) The conducting, operating or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays.~~

~~—(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of those institutions, provided conspicuous signs are displayed in those streets indicating that the area is a school, court or hospital area.~~

~~—(9) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.~~

~~—(10) The erection (including excavation), demolition, alteration, or repair in the event that such alteration or repair creates noise of such character, intensity and duration as to be detrimental to public health, welfare, and peace, of any building in a residential or business district other than~~

between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues.

—(11) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

—(12) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

—(13) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

—(14) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Town Commission.

—(15) The operation of a radio, tape player or other mechanical sound-making device or instrument from a motor vehicle, as defined in Section 316.003, Florida Statutes, on a street or highway by any person operating or occupying said motor vehicle, so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle or is louder than necessary for the convenient hearing by persons inside the motor vehicle in areas adjoining churches, schools, or hospitals. This provision shall not apply to circumstances as described in Section 316.3045, Florida Statutes.

## § 48-2. DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this article which is not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dBA.

*Ambient noise* means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

*Building line* means an imaginary line extending at a ninety-degree angle from the right-of-way to the nearest corner of a building.

*Town Manager* means the town manager of the Town of Melbourne Beach or the manager's designee.

*C-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the C-weighted network. The level so read is designated dBC.

*Decibel* means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micrometers per square meter.

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or eminent peril.

*Noise disturbance* means any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

For purposes of this definition, any sound that exceeds the maximum permissible sound levels set forth in section 48-4 of this article shall constitute a noise disturbance per se. It is the intent and purpose of this definition that sounds that either meet the aforesaid criteria or exceed the sound levels in section 48-4 shall constitute a violation of this article.

*Originating property* means the property from which any sound originates.

*Receiving property* means property into which any sound is projected other than the originating property.

*Sound level* means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters, ANSI S1.4-1983, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument, which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The output meter reads sound pressure levels when properly calibrated, and the instrument is to type 2 or better, as specified in the American National Standards Institute Publications, S1.4-1983, or its successor publications.

*Sound pressure level* means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure level to the reference of twenty (20) micronewtons per square meter.

*Testing protocol* shall be at least two (2) fifteen (15) second readings taken from a receiving property as provided herein. In cases where the city has received a complaint regarding sound levels, the readings shall be taken from the property from which the complaint is made, if known. In cases where the city has received no complaint or where the location of the complainant is not known, the readings shall be taken from the right-of-way adjacent to the nearest developed receiving property to the originating property from approximately the point at which the building line nearest to the originating property intersects the right-of-way.

### § 48-3. MEASUREMENT OF SOUND.

Standards, instrumentation, measurement procedures, and instrumentation maintenance used in the measurement of sound shall be in accordance with ANSI S1.4-1983 or its successor publications. Town personnel that will be taking sound level measurements shall be trained to use sound testing devices.

### § 48-4. MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY.

No person shall cause, suffer, allow or permit the operation of any source of sound in such a manner as to create a sound level that exceeds the sound level limits listed in table 1 when measured beyond the originating property's property line. Sound or noise projecting from one zoning district into another zoning district with a different decibel level limit shall not exceed the limits of the zoning district into which the noise is projected when measured from within such receiving zoning district. Sound pressure levels in excess of those established in table 1 shall constitute prima facie evidence that such sound is in violation of this article. The sound shall be measured using the "A" and "C" scale in slow time constant. In circumstances where the ambient noise level is equal to or exceeds the sound pressure levels established in table 1, the ambient noise level shall represent the maximum sound pressure level for purposes of performing the measurement provided for herein.

TABLE 1  
MAXIMUM SOUND LEVELS FOR  
RESIDENTIAL USE CATEGORY

<u>Use Occupancy Category</u>	<u>Time</u>	<u>Maximum Sound Level Limit—dBA</u>	<u>Maximum Sound Level Limit—dBC</u>
<u>Residential<sup>1</sup></u>	<u>7:00 a.m.—10:00 p.m.</u>	<u>60</u>	<u>65</u>
	<u>10:00 p.m.—7:00 a.m.</u>	<u>55</u>	<u>60</u>

### § 48-5. NOISE LEVEL EXEMPTIONS.

The following uses and activities shall be exempt from this article's noise level regulations except as listed in table 1.

- (1) Air conditioners when functioning in accord with the manufacturers' [specifications], standard mufflers and noise-reducing equipment in use and in proper operating condition according to standards promulgated by the American Refrigeration Institute. The same exception shall apply to lawn mowers, landscaping equipment, and agricultural equipment during daylight hours.
- (2) Non-amplified crowd noises resulting from activities such as those planned by student, governmental or community groups.
- (3) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of

<sup>1</sup> The Town's zoning map shall be relied upon for purposes of defining residential use properties.



- government; providing all equipment is operated in accord with the manufacturers' specifications and with all standard equipment, mufflers and noise-reducing equipment in use and in proper operating condition.
- (4) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches.
  - (5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
  - (6) Noises resulting from emergency work including the operation of a generator.
  - (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a permit therefore has been granted by the city in accordance with this article. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in this article.
  - (8) Noises made by persons having obtained a permit to use the streets.
  - (9) All noises coming from the normal operations of aircraft (not including scale model aircraft).
  - (10) Motor vehicles defined in F.S. Ch. 316.
  - (11) All noises generated by the Town and its agents and/or from Town sponsored events.
  - (12) All noises generated during the July 4th holiday from fireworks.

#### § 48-6. OTHER NOISE.

- (a) With the exception of those exemptions provided by state law, noises prohibited by this section are unlawful, notwithstanding the fact that no violation of section 48-4 is involved, and notwithstanding the fact that the activity complained about is exempted in section 48-5.
- (b) Thus, the following acts are declared to be loud, disturbing and unnecessary noises in violation of this article:
  - (1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning;
  - (2) The creation by means of any signaling device of any unreasonably loud or harsh sound;
  - (3) The sounding of any signaling device for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device.

#### § 48-7. SPECIAL PERMITS FOR RELIEF OF MAXIMUM ALLOWABLE NOISE LEVELS.

- (a) Applications for a special permit for relief from the maximum allowable noise level limits designated in this article may be made in writing to the Town Manager. Any special permit granted by the Town Manager hereunder must be approved in writing prior to issuance of a special permit and shall contain all conditions upon which said special permit shall be effective.

(b) The Town Manager may grant the relief as applied for under the following conditions:

- (1) The Town Manager may require the applicant to exhaust all technically reasonable abatement measures before a special permit is issued. These abatement measures shall be selected and installed by the applicant at his/her own risk.
- (2) Special permits may be granted for the purpose of entertainment that exceeds the maximum allowable noise levels established in this article under the following conditions:
  - a. The function must be open to the public (admission may be charged).
  - b. The function must take place on public property.
  - c. The special permit will be given for only four (4) hours in one (1) twenty-four-hour day.
  - d. The function shall be staged between the hours of 8:00 a.m. and 8:00 p.m.
- (3) Special permits for non-entertainment special purposes may be issued under any of the following conditions:
  - a. If the special purpose relates to the operation of a trade or business, that the special purpose not be in the ordinary course of that trade or business; or if the special purpose does not relate to the operation of a trade or business, that the special purpose not be an ordinary event in the affairs of the applicant.
  - b. If the special purpose is a recurring purpose, that it not recur more often than four (4) times each calendar year.
  - c. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or if the special purpose does not relate to the operation of the trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur.
  - d. Except in emergency situations, as determined by the Town Manager, the special permit may be issued only four (4) hours between 8:00 a.m. and 8:00 p.m. on weekdays.
  - e. Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application to the Town Manager.
- (4) No special permit shall be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building, which at any time exceeds the sound level limits in table 1, except those used for emergency warnings.

§ 48-2 ~~8~~. PENALTIES.

~~Any person, firm, or corporation violating any provision of this chapter shall upon conviction be punished by a fine not to exceed \$200.~~

(a) Each violation of this article shall carry the following civil penalties:

- (1) First violation within a one hundred eighty-day period, a written warning and notice to cure.
- (2) Second violation within a one hundred eighty-day period, a citation in the amount of two hundred fifty dollars (\$250.00).
- (3) Third and subsequent violations within a one hundred eighty-day period, a citation in the amount of five hundred dollars (\$500.00).

Whenever any police officer commissioned by the Town of Melbourne Beach or the Code Enforcement Officer of the Town of Melbourne Beach has reason to believe that any person is in violation of any provision of this chapter, it shall be cause for the issuance of a notice of violation.

§§ 48-3 ~~9~~. – 48-99 RESERVED.

**Section 4.** Codification. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Melbourne Beach, as additions or amendments thereto.

**Section 5.** Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**Section 6.** Conflicting Ordinances. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**Section 7.** Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

TOWN OF MELBOURNE BEACH, FLORIDA

By: \_\_\_\_\_  
ALISON DENNINGTON, Mayor

ATTEST:

(TOWN SEAL)

\_\_\_\_\_  
Amber Brown, Town Clerk

## **Town Commission Meeting**

**Section:** Old Business  
**Meeting Date:** January 15, 12025  
**From:** Elizabeth Mascaro, Town Manager  
**Re:** Vacation Rental Software

### **Background:**

I have received demonstrations from 3 software companies that offer vacation rental programs. The annual costs are as follows:

Orange Data: fee

Deckard Technologies: \$13,500

Gov OS: \$30,000

Deckard and Gov OS offer very similar products, however there is large difference in the annual software price. Orange Data doesn't compare in their product offering.

### **Recommendation:**

I recommend the Commission consider approving Deckard Technologies with an annual fee of \$13,500. Their software offering is comprehensive and has outstanding reporting capabilities.

### **Attachments:**

Deckard Technologies Contract

## MASTER PROFESSIONAL SERVICES AGREEMENT

This Master Professional Services Agreement (the "Agreement") is made and entered into as of \_\_\_\_\_ (the "Effective Date") by and between Deckard Technologies, Inc., a Delaware corporation ("Deckard"), having its principal offices located at 1620 5<sup>th</sup> Avenue, Suite 400, San Diego, CA 92101 and the Town of Melbourne Beach, FL ("Client"), having its principal offices at 507 Ocean Ave. Melbourne Beach, FL 32951

### RECITALS

**WHEREAS**, Deckard provides advanced data analytics and technology solutions for real estate through its proprietary Rentalscape platform (the "Platform");

**WHEREAS**, Client desires to engage Deckard to perform the services described in SOWs attached to this Agreement in accordance with the terms and conditions hereof;

**NOW THEREFORE**, the parties hereby agree as follows:

#### 1. Statements of Work.

1.1. Client hereby retains Deckard and Deckard hereby agrees to use the Platform to perform certain data analytics services (the "Services"), which shall be specified in writing in statement(s) of work executed by the parties hereto (each an "SOW"). The SOW for the initial Services to be performed by Deckard is attached hereto as **Exhibit A**. Each subsequent SOW shall be signed by both parties and shall set forth, upon terms mutually agreeable to the parties, the specific Services to be performed by Deckard, the timeline and schedule for the performance of such Services and the compensation to be paid by Client to Deckard for the provision of such Services, as well as any other relevant terms and conditions. If an SOW includes the development of specific work product, the specifications of such work product shall be set forth on the relevant SOW. The parties shall attach a copy of each Statement of Work to this Agreement and each such SOW shall be incorporated herein by reference. Any changes to an SOW shall be in writing, executed by each party (each a "Change Order"), attached to the original SOW and incorporated therein and attached hereto as part of **Exhibit A**. All such executed SOWs and Change Orders are subject to the terms and conditions of this Agreement, are incorporated herein, and made a part hereof. In the event of any conflict between the terms of this Agreement and any SOW or Change Order the terms of this Agreement shall control.

1.2. Deckard agrees to apply Deckard's best efforts to the performance of Services under this Agreement competently and professionally, and will deliver the work product as set forth in the applicable SOW. Deckard shall devote such time and attention to the performance of Deckard's duties under this Agreement, as shall reasonably be required by Client, or as customary in the software industry.

**2. Performance of Services.** In carrying out the Services, Deckard shall fully comply with any and all applicable codes, laws and regulations and, if applicable, the rules of the site at which the Services are performed. Deckard shall provide a project manager who shall oversee the day-to-day performance of the Services and ensure the orderly performance of the Services consistent with each SOW and this Agreement. Deckard's project manager shall reasonably cooperate with Client's project manager and keep him or her informed of the work progress.

### **3. Fees.**

3.1. Client shall pay all fees in the amount and in the time periods set forth in the applicable SOW. In no event shall the fees payable to Deckard hereunder exceed any maximum amount set out in the SOW. Client shall reimburse Deckard for actual and reasonable expenses incurred in performing the Services that are set forth in an SOW or otherwise approved in advance by Client, including meals, incidental expenses and reasonable travel costs incurred for travel in such amounts as authorized by the Federal or specified State or local travel regulations. Original receipts must be presented with any invoice for such costs and/or expenses and Deckard shall attest that the costs and/or expenses are actual and allocated to the Services.

3.2. Deckard agrees to use commercially reasonable efforts to ensure that invoices comply with the form, timeliness and any supporting certification requirements that are provided to Deckard by Client in writing from time to time during the Term. Unless otherwise specified in an SOW, Client shall pay all invoices within 30 days of Client's receipt of such invoice.

3.3. Client agrees that custom development requests outside of the scope of work may incur a fee of \$250 hourly rate at a minimum of 2 hours of labor. Client agrees that custom requests may or may not be released on the original agreed upon release date.

**4. Taxes.** Deckard acknowledges that as an independent contractor, Deckard may be required by law to make payments against estimated income or other taxes due federal, state and other governments. Deckard agrees to bear any and all expenses, including legal and professional fees, increased taxes, penalties and interest that Deckard or Client may incur as a result of any attempt to challenge or invalidate Deckard's status as an independent contractor, and Deckard agrees to defend, and hold Client harmless from any liability thereon.

### **5. Term and Termination.**

5.1. The term of this Agreement ("Term") shall commence on the Effective Date and shall continue in force and effect for a period of one year; the Term shall be automatically renewed thereafter for additional periods of one year each unless terminated by either party by giving written notice of termination to the other party not less than 60 days before the end of the then-current period. Termination shall have no effect on Client's obligation to pay the applicable labor rate with respect to Services rendered prior to the effective date of termination.

5.2. **Termination.** This Agreement shall be terminated as follows:

5.2.1. By either party by giving the other party 60 days prior written notice; provided that, such termination shall not be effective until each and every SOW then outstanding shall have been fully performed in accordance with the terms and conditions of the SOW.

5.2.2. Upon the entering into or filing by or against either party of a petition, arrangement, or proceeding seeking an order for relief under the bankruptcy laws of the United States, a receivership for any of the assets of the other party, an assignment for the benefit of its creditors, or the dissolution, liquidation, or insolvency of the other party.

5.2.3. Client may terminate this Agreement or any SOW if Deckard materially breaches this Agreement or the applicable SOW and fails to cure such breach to Client's reasonable satisfaction within 30 days of Deckard receipt of written notice thereof.

5.3. **Continuation.** This Agreement shall continue in full force and effect following the termination of any SOW, unless otherwise agreed by the parties.

5.4. **Post Termination Obligations.** Upon the expiration or termination of this Agreement or any SOW for any reason, Deckard shall: (i) carry out an orderly winding down of the affected work; (ii) deliver to Client the applicable work/deliverables not previously delivered in its then current form and any documents or other information in whatever manner related thereto, (iii) return any property of the Client then in Deckard's possession; and (iv) submit a final invoice to Client for any Services performed prior to the date of such termination and as otherwise permitted by this Agreement. Client shall pay Deckard those amounts due for Services performed up to the date of termination.

6. **Cooperation.** Deckard expressly agrees that it shall reasonably cooperate with and assist Client in: (a) responding to any inquiry or claim by or from any Federal, State or local government agency regarding the performance of this Agreement; and/or (b) exercising any rights that Client may have to pursue any remedies available to it under any applicable Federal, State or local law or regulation.

7. **Deckard Personnel.** Deckard shall perform all Services in a professional and workmanlike manner by individuals qualified to perform the Services. Deckard may, at its discretion, subcontract with other companies or individuals to carry out some part of the Services, provided that Deckard shall remain responsible for the oversight of all work performed.

8. **Relationship of the Parties.** Deckard is, and at all times during the term of this Agreement shall be, an independent contractor of Client. Deckard shall not represent to any Client customer or other person or entity that it has any right, power or authority to create any contract or obligation, either express or implied, on behalf of, or binding upon Client or to any way modify the terms and conditions of any SOW. This Agreement shall not create or in any way be interpreted to create a partnership, joint venture, or formal business organization of any kind between the parties.

## 9. **Representations and Warranties.**

9.1. Deckard represents and warrants that:

9.1.1. Deckard shall perform all Services in a competent, professional, workman-like manner and in accordance with the governing SOW and any applicable industry and/or professional standards;

9.1.2. It has the legal right and authority to enter into this Agreement and perform the Services under any SOW under which it agrees to perform Services;

9.1.3. Upon execution by an authorized representative, this Agreement will be a binding agreement, enforceable against Deckard in accordance with its terms; and

9.1.4. Entering into this Agreement or performing work under a particular SOW shall not violate any agreement (written or implied) with any third party.



9.2. Client represents and warrants that:

9.2.1. It has the legal right and authority to enter into this Agreement and to deliver the Data to Deckard to perform the Services;

9.2.2. Upon execution by an authorized representative, the Agreement will be a binding Agreement, enforceable against Client in accordance with its terms; and

9.2.3. Entering into this Agreement or performing work under a particular SOW shall not violate any agreement (written or implied) with any third party.

These warranties shall survive inspection, acceptance, and payment and are in addition to all other warranties expressed or implied by law.

**10. Nondisclosure of Confidential Information.** During the performance of this Agreement certain proprietary, technical and financial information may be disclosed by one party ("Disclosing Party") to the other party ("Receiving Party") and shall be deemed proprietary if marked with a conspicuous legend identifying it as proprietary or confidential information ("Confidential Information"). The Receiving Party shall not use less than the same efforts to prevent the disclosure of Confidential Information received hereunder as is used to protect its own Confidential Information, and in no event, however, less than a reasonable degree of care. Disclosure of Confidential Information received hereunder shall be restricted to those individuals who are directly participating in the performance of the Services under this Agreement. Confidential Information shall not include information that the Receiving Party can demonstrate by competent evidence is (a) rightfully known to the Receiving Party without obligations of non-disclosure, prior to receipt of such information from the Disclosing Party; (b) independently developed by the Receiving Party without the benefit or use of the Confidential Information furnished by the Disclosing Party, or obtained in good faith from a third party having no obligation to keep such information confidential; or (c) publicly known through no breach of this Agreement. Receiving Party may disclose Confidential Information when required by operation of law or pursuant to the order of a governmental agency, but only upon prior written notice to the other party to allow the other party the opportunity to take appropriate legal measures to protect the Confidential Information. The parties acknowledge that any unauthorized use or disclosure of the Confidential Information may cause irreparable damage to the other Party, for which there is no adequate remedy at law, and shall entitle the other Party to obtain immediate injunctive relief without any requirement to post bond, in addition to all other available remedies.

**11. Liability Limitations; Disclaimer.** ALL DELIVERABLES PROVIDED TO CLIENT BY DECKARD UNDER THIS AGREEMENT ARE PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE. IN NO EVENT SHALL EITHER PARTY OR ITS RESPECTIVE EMPLOYEES, REPRESENTATIVES OR SUBSIDIARIES BE LIABLE FOR ANY CONSEQUENTIAL, INDIRECT, PUNITIVE, INCIDENTAL OR SPECIAL DAMAGES, WHETHER FORESEEABLE OR UNFORESEEABLE, AND WHETHER OR NOT SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE TOTAL LIABILITY OF EACH PARTY ARISING OUT OF OR RELATED TO THIS AGREEMENT SHALL NOT EXCEED THE AMOUNT PAID BY CLIENT TO DECKARD UNDER THIS AGREEMENT.

**12. Indemnification.** Deckard shall indemnify and hold Client harmless from and against any third party claims against and damages incurred by Client that are finally awarded by a court of competent jurisdiction (including reasonable attorneys' fees) as a result of (a) injury or death to persons, or loss of or damage to property caused by the acts of Deckard or its agents; (b) a claim that the Services infringe the intellectual property rights of any third party; and (c) any violation by Deckard,

its employees, agents, representatives or any person or entity acting on its behalf of any, Federal, State and/or local law, or regulation. Deckard shall be entitled to assume control of the settlement, compromise, negotiation and defense of any claim, and in such case, Deckard shall not enter into any settlement of any claim or action that adversely affects Client's business or interests without its prior approval, which shall not be unreasonably withheld or delayed. Client shall indemnify and hold Deckard harmless from and against any third party claims against and damages incurred by Deckard that are finally awarded by a court of competent jurisdiction (including reasonable attorneys' fees) as a result of (a) injury or death to persons, or loss of or damage to property caused by the acts of Client, its customers or its agents; (b) any violation by Client, its customers, employees, agents, representatives or any person or entity acting on its behalf of any, Federal, State and/or local law, or regulation. Client shall be entitled to assume control of the settlement, compromise, negotiation and defense of any claim, and in such case, Client shall not enter into any settlement of any claim or action that directly affects Deckard's business or interests without its prior approval, which shall not be unreasonably withheld or delayed.

**13. Proprietary Rights.** The results of the Services delivered to Client in the form delivered to Client, including all reports, technical communications, drawings, records, charts, or other materials originated or prepared by Deckard for Client in performing the Services (all of the foregoing, collectively, the "Work Product") shall be the property of Client, and Deckard hereby assigns all rights to such Work Product to Client. Without limiting the generality of the foregoing and subject to Deckard's confidentiality obligations under this Agreement, Client acknowledges that the Work Product will include the aggregation and analysis of certain publicly available data and agrees that nothing contained in this Agreement shall be interpreted to prohibit Deckard from using its technology and other intellectual property to analyze the same or similar publicly available information for third parties. In addition, to the extent that Deckard incorporates any Deckard Property (as defined below), including any pre-existing or copyrighted work of Deckard into the Work Product, such Deckard Property shall remain the property of Deckard. Deckard grants to Client a perpetual, royalty-free, irrevocable, worldwide, non-exclusive license to use such Deckard Property in connection with exercising the rights of ownership granted to Client under this Agreement. In addition, nothing herein shall grant to Client any rights in the Platform or any other proprietary technologies and intellectual property used by Deckard in preparing any Work Product ("Deckard Property").

**14. Governing Law.** This Agreement and all disputes relating to this Agreement shall be governed by the laws of the State of California, except as to any provisions of this Agreement that are properly governed by the laws of the United States. All controversies or disputes arising out of this Agreement shall be heard in either the state or federal courts sitting in San Diego County, California. THE PARTIES HERETO KNOWINGLY AND IRREVOCABLY WAIVE THEIR RIGHT TO A TRIAL BY JURY.

**15. Assignment.** Deckard shall not assign, transfer or sell its rights or obligations under the Agreement without Client's prior written consent, which shall not be unreasonably withheld; provided that such consent shall not be required if the assignment is in connection with the sale of all or substantially all of Deckard's business to which this Agreement relates, whether by merger, sale of stock, sale of assets or otherwise.

**16. Severability; Survival.** If any part, term, or provision of the Agreement is held invalid or unenforceable for any reason, the remainder of the Agreement shall continue in full force and effect as if the Agreement has been executed with the invalid portion thereof eliminated. Upon termination or expiration of this Agreement, the terms and conditions set out in Sections 5.4, 8, and 10 through 22 will survive such termination.

**17. Waiver of Breach.** The waiver of a breach of the Agreement or the failure of a party to exercise any right under the Agreement shall in no event constitute a waiver of any other breach, whether similar or dissimilar in nature, or prevent the exercise of any right under the Agreement.

**18. Force Majeure.** Neither party shall be liable for any failure to perform, or delay in performing, any of its obligations hereunder due to causes beyond its reasonable control, and without the fault or negligence of that party. Such causes shall include, without limitation, Acts of God, acts of civil or military authority, fire, flood, epidemic, pandemic, quarantine, freight embargo, civil commotion or acts of war, declared or undeclared.

**19. Compliance with Laws.** Each party agrees to comply with all applicable local, state, and federal laws and executive orders and regulations issued pursuant thereto and agrees to defend, indemnify, and hold the other party harmless from any claim, suit, loss, cost, damage, expense (including reasonable attorney's fees), or liability by reason of the other party's violation of this provision.

**20. Dispute Resolution.** In the event of a claim or dispute between the parties arising under this Agreement, such claim or dispute shall be settled by mutual agreement between the senior management of the parties. If an agreement is not reached within a reasonable time, except as otherwise provided in this section, any dispute concerning the terms and conditions of this Agreement may be resolved by pursuing any right or remedy available at law or in equity in accordance with this Agreement. Deckard shall, at all times, proceed diligently with the performance of the Services hereunder. Notwithstanding the above, Client's contract with a governmental entity may include a disputes clause under FAR 52.233-01 (the "Disputes Clause"), pursuant to which a prime contractor may pursue certain procedures in the event of a dispute between the customer and Client with respect to questions of law or fact relating to the government contract. In such case, all Deckard claims, controversies or disputes concerning matters that are subject to the Disputes Clause of the government contract shall be governed solely by such disputes clause. Deckard shall be responsible for providing any and all certifications required by law or Client to enable Client or its customer to verify, support, or confirm such certifications. Both parties agree that the occurrence of a dispute under the Disputes Clause shall not interfere with either party's performance or other obligations under this Agreement.

**21. Entire Agreement.** This Agreement and each SOW issued hereunder represent the entire understanding and agreement between the parties hereto and supersede all other prior written or oral agreements made by or on behalf of Client or Deckard. In the event of a conflict between the terms and conditions of this Agreement and any SOW, the Agreement shall control, unless the SOW expressly provides that it is intended to modify the Agreement. Deckard's proposals shall not be part of this Agreement unless specifically referenced in the SOW and agreed to in writing by Client. This Agreement may be modified only by written agreement signed by the authorized representatives of the parties.

**22. Communications and Notices.** Other than communications required to be made by Deckard's project manager to Client's project manager, all notices, orders, directives, requests or other communications of the parties in connection with this Agreement shall be in writing and shall be provided as follows:

In the case of Client:

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In the case of Deckard

Nickolas R. Del Pego

Title: CEO

1620 Fifth Ave Suite 400

San Diego, CA 92101

**23. Media and/or Logo Use.** Client agrees that Deckard shall have the right to use Client's name and logo on website, marketing materials and advertisements. In addition, Client and Deckard will work together to identify appropriate testimonials to promote Rentalscape and to generate announcements, press engagements and public speaking events with respect to the benefits of the Services. Client shall have the right to revoke Deckard's right to use its name and logo by providing Deckard with 30 days' advance written notice. Upon the expiration or termination of this Agreement the rights set forth in this Section 23 shall terminate.

*[Signature Page Follows]*

**IN WITNESS WHEREOF**, Deckard and Client have each caused this Agreement to be executed by their duly authorized representatives, effective as of the dates indicated below

**DECKARD TECHNOLOGIES, INC.**

**CLIENT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## EXHIBIT A

### STATEMENT OF WORK

This Statement of Work ("SOW") will be effective as of the last date of signature below, and upon execution will be incorporated into the Master Services Agreement between Deckard Technologies, Inc. and **Town of Melbourne Beach, FL** dated [EFFECTIVE DATE OF MASTER SERVICES AGREEMENT] (the "**Master Agreement**"). Capitalized terms used in this SOW will have the same meaning as set forth in the Agreement.

**1. Short Term Rental Service.** Client desires to engage Deckard to use the Rentalscape Platform to prepare real estate property data for short-term rentals ("STRs") on all identifiable properties within the Town of: Melbourne Beach in the State of FL based upon publicly available data and such other data relevant to the Designated Geography to be provided to the client by Deckard (reports accessible from Rentalscape). The Reports shall include at a minimum:

- 1.1. Information on STRs currently active in the Designated Geography;
  - 1.2. The aggregate revenue from actively listed bookings;
  - 1.3. The average number of nights booked per reservation;
  - 1.4. The major platforms used by STR hosts;
  - 1.5. Average daily rates;
  - 1.6. Booking trends during the Reporting Period;
  - 1.7. Identify, by address, the following violations of STR ordinances within the Designated Geography;
    - 1.7.1. Listings or advertisements that do not include an STR permit number;
    - 1.7.2. Listings or advertisements that represent or offer occupancy in excess of the occupancy maximums in the Designated Geography; and
    - 1.7.3. Properties advertised as STRs that are only permitted as long-term rentals;
  - 1.8. Identify the actively listed STRs by month and address;
  - 1.9. The total number of properties actively listed in the Designated Geography each month during the Reporting Period;
  - 1.10. List the property owners; and
  - 1.11. List the permit history of each property offering STRs in the Designated Geography.
- 2. Designated Geography.** Town of Melbourne Beach, FL
- 3. Reporting Period.** Reports available in the Rentalscape Platform throughout the year.

#### 4. Fees; Payments.

**4.1. Annual Software Subscription:** \$5,000 (Identification, Compliance monitoring and Rental activity listed in Rentalscape as STRs).

**4.2. Outreach Campaign:** INCLUDED Three letter campaign to inform and encourage property owners to become compliant with the Registration Process.

**4.3. STR Registration/Licensing Portal:** \$5,000 annually. Develop and host an online portal for STR Registration and Payment collection based on the needs of the City/County with Stripe payment interface with daily reconciliation to finance.

**4.4. Tax Collection Portal:** NA Develop and host an online portal for Tax collection on a monthly or quarterly basis depending on the needs of the City/County with Stripe payment interface with daily reconciliation to finance.

**4.5. Optional Expert Services** upon Request by the City/County are available at \$250 per hour.

**4.6. Online Complaint Form:** INCLUDED annually. Host an online complaint form for the City/County that alerts these complaints to Code Enforcement through the Rentalscape platform.

**4.7. 24/7 Live Hotline.** \$3,500 annually. Live answered Hotline that can dispatch to responsible parties depending on identified call flow.

**4.8. Public Facing Portal.** NA. Public Facing Portal to be hosted on City site illustrating permitted STR properties in the City with Parcel Number, Permit Number and Responsible Party Contact information per City guidelines.

**4.9. Maximum Price:** In no event will the total subscription fees in the first year exceed \$13,500. Future years' renewals subject to a CPI increase not to exceed 5% per annum.

**4.10. Timing:** Client will pay the annual subscription fees within 30 days of receipt of invoices from Deckard.

All terms and conditions of the Agreement will apply to this SOW. This SOW will be effective as of the date of the last signature below.

**SOW AGREED TO AND ACCEPTED BY:**

**DECKARD TECHNOLOGIES, INC.**

**CLIENT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_



<b>Attachments:</b>	Interlocal Agreement – DRAFT ONLY
<b>Date Prepared:</b>	01/08/2025
<b>Prepared By:</b>	Fire Chief Gavin Brown
<b>Meeting Date:</b>	January 15 <sup>th</sup> , 2025

**Agenda Category:**

<input type="checkbox"/>	<b>Proclamations &amp; Awards</b>	<input type="checkbox"/>	<b>Public Hearings</b>
<input type="checkbox"/>	<b>Presentations</b>	<input type="checkbox"/>	<b>Old Business</b>
<input type="checkbox"/>	<b>Boards &amp; Committees</b>	<input checked="" type="checkbox"/>	<b>New Business</b>
<input type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Other:</b>

<b>Subject:</b>	Consideration of adoption of Interlocal Agreement between the City of Indian Harbour Beach and the Town of Melbourne Beach regarding automatic aid for fire protection and rescue services.
<b>Recommended Action:</b>	As Fire Chief, my professional opinion is that working together and sharing resources in times of emergency is in the best interest of public health, safety, and the welfare of our citizens. I recommend the Town Commission consider approving and executing this Interlocal Agreement.
<b>Background Information:</b>	<ol style="list-style-type: none"> <li>1. The Town of Melbourne Beach and the City of Indian Harbour Beach both presently maintain and operate emergency service departments within their respective municipalities that provide fire protection and other rescue services.</li> <li>2. In times of emergency or disaster, an incident may be too great to be dealt with unassisted, or a situation may arise in which a party is not able to expeditiously respond to an incident due to unforeseen circumstances.</li> </ol>

- |  |  |
|--|--|
|  | <p>3. This Agreement is the formalization of a partnership that would allow the Town of Melbourne Beach and the City of Indian Harbour Beach to share emergency resources, so as to better protect the lives and property of our citizens.</p> <p>4. In Summary, this agreement supplements the Countywide Mutual Aid Agreement that is already in place, and allows for Automatic Aid with the Indian Harbour Beach Volunteer Fire Department for structural fire response. Automatic aid means and refers to the automatic dispatch of, and response by, a fire suppression unit without the initiation of a mutual aid request, thus reducing response time and getting more resources on scene faster. Both parties agree to share emergency response resources for the purpose of providing expeditious and effective emergency services, and acknowledge that the services will be provided in a mutually beneficial manner, without expectation of monetary compensation or reimbursement.</p> <p>5. The intent of this arrangement is to provide the most efficient fire suppression and lifesaving services to the citizens protected by the respective parties. This agreement is not intended, and shall not be construed in any way to deprive a party of jurisdictional powers vested in said party, nor is it the intention of the parties to combine their individual departments into a single department or district. The City of Indian Harbour Beach and the Town of Melbourne Beach agree that their respective Fire Departments will provide primary emergency services within their own jurisdictions.</p> |
|--|--|

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**THIS INTERLOCAL AGREEMENT** (hereinafter referred to as the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **City of Indian Harbour Beach**, a political subdivision of the State of Florida, and the **Town of Melbourne Beach**, a political subdivision of the State of Florida. The City of Indian Harbour Beach and the Town of Melbourne Beach are sometimes individually referred to as "Party" and collectively referred to as the "Parties" in this Agreement.

***RECITALS***

**WHEREAS**, both Parties presently maintain and operate emergency service departments within their respective municipalities that provide fire protection and other rescue services; and

**WHEREAS**, both Parties recognize that in times of emergency or disaster, an incident may be too great to be dealt with unassisted, or a situation may arise in which a party is not able to expeditiously respond to an incident due to unforeseen circumstances; and

**WHEREAS**, the Parties desire to enter into this Agreement for the purposes of allowing the City of Indian Harbour Beach and the Town of Melbourne Beach to share emergency resources, so as to better protect the lives and property of their citizens; and

**WHEREAS**, both Parties agree that it is in their respective best interests, and in the best interest of public health, safety and the welfare of their citizens, for the parties to share emergency resources; and

**WHEREAS**, this Agreement is authorized pursuant to Chapter 163, Florida Statutes, as an Interlocal Agreement;

**NOW, THEREFORE**, in consideration of the premises and mutual promises contained herein, the Parties hereto agree as follows:

**Section 1. Purpose and Intent of Agreement**

The intent of this arrangement is to provide the most efficient fire suppression and lifesaving services to the citizens protected by the respective Parties. This Agreement is not intended, and shall not be construed to in any way to deprive a Party of jurisdictional powers vested in said Party, nor is it the intention of the Parties to combine their individual Departments into a single department or district. Except to the extent agreed herein, the City of Indian Harbour Beach and the Town of Melbourne Beach agree that their respective Fire Departments will provide primary emergency services within their own jurisdictions.

**Statement of Reciprocity** – Both Parties agree to share emergency response resources for the purpose of providing of expeditious and effective emergency services delivery, and acknowledge that the services will be provided in a mutually beneficial manner, without expectation of monetary compensation or reimbursement for services identified, unless otherwise outlined in this Agreement.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**Section 2. Services Provided**

- a) **Automatic Aid** – To provide the highest level of fire protection and quickest response possible, the Parties hereby agree to provide Automatic Aid for all structural fire incidents, including residential and commercial structures, within the primary response areas of the Town of Melbourne Beach and the City of Indian Harbour Beach, as outlined in Appendix A. “Automatic Aid” means and refers to the automatic dispatch of, and response by, a fire suppression unit without the initiation of a mutual aid request. Automatic Aid shall be based on a mutually agreed upon and predefined process that results in the immediate response of emergency personnel by the Responding Party to the scene of an emergency in the Receiving Party’s jurisdiction on behalf of, or along with, the Receiving Party, without regard to municipal City or Town boundaries. “Receiving Party” shall mean and refer to the authority having jurisdiction of the emergency incident location within the Response Area that is receiving automatic aid pursuant to this Agreement. “Responding Party” shall mean and refer to the authority responding to the request for automatic aid pursuant to this Agreement.
- b) **Mutual Aid** – Should one of the Parties in this Agreement make a determination that aid is needed to expeditiously and effectively manage an emergency incident within their jurisdiction, they may request assistance from the other Party. The Responding (assisting) Party shall make every effort to provide requested apparatus, equipment, and/or personnel as available. The parties agree to provide mutual aid for emergency requests for service including, but not limited to: fires, fire alarms, medical emergencies, vehicle accidents, technical rescue scenarios, hazardous material incidents, water rescues, brush fires, and natural disasters. The Parties agree to provide such reciprocal assistance on an as-requested, mutual-aid basis, based on the availability of apparatus, equipment, and manpower.

**Section 3. Operational Considerations**

- a) **Procedures for Requesting Automatic Aid** – For any confirmed or suspected structural fire, the Receiving Party’s communication center shall automatically contact the Responding Party’s communication center to fulfill the request and notify their agency. No formal request need be made to initiate assistance.
- b) **Procedures for Requesting Mutual Aid** – A company officer, or higher authority, shall initiate the request for Mutual Aid through their own respective communication center. It is recognized that in the interest of public safety, this request may be made based upon dispatch information, prior to the Receiving (requesting) Party arriving on scene. Upon receipt of request, the Receiving Party’s dispatch will then contact the Responding (assisting) Party’s dispatch to fulfill the request and notify their agency.
- c) **Predefined Response** – Unless otherwise requested, upon the notification of a Mutual or Automatic Aid request, the Responding Agency shall respond with a single, in-service, fire suppression apparatus that shall be staffed by a minimum of two (2), and no more than four (4) State of Florida certified Firefighters or Volunteer Firefighters; one of which must be designated as the apparatus’s officer. A Chief Officer from the Responding Party shall be permitted to respond in addition to the apparatus on the initial response to assist with unit coordination.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

- d) **Communication and Notification of Non-response** – Should either Party be unable to respond and provide Automatic or Mutual Aid in response to an emergency request, the declining party shall immediately notify the dispatch center of the authority having jurisdiction
- e) **Officer in Charge** – It is further agreed that the first arriving unit will establish incident command and manage the incident in accordance with established procedures until the mitigation of the incident, or until scene control is transferred to an officer having authority within the jurisdiction where the incident occurred. The first arriving command officer, will function as the incident commander. In the case where the first arriving command officer is not of the authority having jurisdiction for the area, incident command shall be transferred to the command officer of the authority having jurisdiction upon the arrival of such command officer. While providing Automatic or Mutual Aid, the Responding Party's personnel shall be subject to the orders and directions of the officer in charge of the operations.
- f) **Service Standard** – The Responding Party and Receiving Party shall utilize National Fire Protection Standard 1500, as defined in Florida Statute 633, to ensure that the Incident Command System, the Personnel Accountability System, and the 2- in / 2-out standards are adhered to. Both parties shall participate together in fireground company training on a quarterly basis.
- g) **Release of Responding Party** – The Responding Party will be released from an Automatic or Mutual Aid request by the Receiving Party as soon as appropriate, based upon operational consideration or when the Receiving Party has adequate resources on scene to mitigate the emergency, as determined by the officer in charge of the scene. The authority having jurisdiction will be responsible for conducting any fire investigation.
- h) **Extended Coverage** – If one Party is committed to an emergency scene for an extended period of time, they may request Mutual Aid for area coverage until they have sufficient resources to provide coverage for their own jurisdiction again. Based on availability, the Responding Party agrees to staff a unit, and standby in a geographically advantageous location, until released by the Requesting Party.
- i) **Operational Limitations** – No department, officer or employee of the parties to this Agreement shall perform any function or service not within the scope of the duties of such department, officer or employee in its respective primary jurisdiction.
- j) **Disputes or Disagreements** - Disputes or disagreements as to the level of services and/or standards of performance shall be reported by the complaining party to the Fire Chief, or their designee, of the party that provided the service or took the action from which the complaint arose. Both departments shall meet to discuss and develop a resolution to the situation. The decision of the Fire Chief of each party shall be final and conclusive as to the geographical boundaries of response, the level of services rendered or standards of performance observed by the party's personnel.
- k) **Responsibility** - The Authority Having Jurisdiction of the geographical location of the incident shall maintain ultimate responsibility for the handling of the incident, setting incident priorities, and supplying appropriate resources. The rendition service, standards of performance, discipline of officers and employees, and all other matters related to the performance of services by command personnel and the command and control of their personnel and equipment shall remain with each party to this Agreement.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**Section 4. Term**

This Agreement shall commence and be effective upon its approval and execution by the elected governing bodies of both Parties, and shall be effective for a period of two (2) years. After the initial two (2) year term, the agreement shall automatically renew each year, unless terminated or amended as described below in Section 5.

**Section 5. Termination / Revision of Agreement**

- a) This Agreement may be terminated by either party, with or without cause, upon written notice of termination to the other party sixty (60) days prior to the date of such termination.
- b) Either party may request that this Agreement be amended. Such request must be placed in writing and address the reason for the amendment as well as provide proposed revised language. In order to be deemed effective, the amendment must be approved by the City/Town Manager, or designee, of both parties.

**Section 6. Notification**

Any required notice to be provided by either party to this Agreement, other than an emergency call and dispatch, shall be delivered to the other party's representative at the following locations:

David Lewis, Fire Chief  
Indian Harbour Beach Vol. Fire Dept.  
1116 Pine Tree Drive,  
Indian Harbour Beach, FL 32937

Gavin Brown, Fire Chief  
Melbourne Beach Vol. Fire Dept.  
507 Ocean Avenue,  
Melbourne Beach, FL 32951

With a copy to:

John W. Coffey, City Manager  
City of Indian Harbour Beach  
2055 S Patrick Drive,  
Indian Harbour Beach, FL 32937

Elizabeth Mascaro, Town Manager  
Town of Melbourne Beach  
507 Ocean Avenue,  
Melbourne Beach, FL 32951

Any notice to be sent under the provisions of this Agreement shall be deemed to have been properly sent when personally delivered or mailed to the last known address of the Parties, as the case may be, with appropriate copies as set forth above. A mailing is deemed received at the time of hand delivery or five (5) days after mailing. Either party hereto may unilaterally change the person to whom a mailing is to be sent or the address of said person by giving notice to the other party as provided for herein. This Agreement may be terminated by either party, with or without cause, upon written notice of termination to the other party sixty (60) days prior to the date of such termination.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**Section 7. Employee Status**

Persons employed by a party to this Agreement in the performance of services and functions pursuant to this Agreement shall have no claim on the other party to this Agreement for pension, worker's compensation, unemployment compensation, civil service, or any other employee rights or privileges granted by operation of law or otherwise to the officers and employees of the other party to this Agreement.

**Section 8. Liabilities and Responsibilities of Parties**

- (a) No party hereto, its respective officers or employees, shall assume any liability for the acts, omissions or negligence of the other party, its officers or employees.
- (b) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, and all pensions and relief, disability, worker's compensation and other benefits which apply to the activity of officers or employees of a party when performing their respective functions within the territorial limits for their respective agencies shall also apply to the same degree and extent to the performance of such functions and duties extraterritorially when accomplished pursuant to this Agreement.
- (c) Except as herein otherwise provided, all liability for injury to personnel and loss or damage of equipment shall be borne by the party employing such personnel and owning such equipment.
- (d) In the event one of the Parties provides emergency medical services, it shall provide such services under the direction of its own medical director utilizing its own BLS/ALS protocols.
- (e) The parties further agree that nothing contained herein is intended to nor shall be construed a waiver of the City's or Town's rights and immunities under Section 768.28, Florida Statutes, as amended from time to time.

**Section 6. Compensation and Reimbursement between Agencies**

- (a) Each party agrees to furnish necessary equipment, resources, and facilities in order to render mutual and automatic aid services to the other party in accordance with the terms of this agreement. However, neither party shall be required to deplete its own equipment, resources, facilities, and services in furnishing such aid.
- (b) Either agency furnishing any equipment pursuant to this agreement shall bear the costs for any loss or damage to such equipment and shall pay any expense incurred in the operations, maintenance and repair of that equipment.

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

- (c) Either agency furnishing aid pursuant to this agreement shall compensate its employees during the time such aid is rendered and shall defray all associated employee cost while employee is rendering aid.
- (d) The requesting agency shall either replace, or provide reimbursement for, those nontraditional extraordinary services or consumable materials, which were used by the responding agency furnishing mutual or automatic aid services. This paragraph shall apply to items such as, but not limited to, firefighting foam, HAZMAT protective clothing, and absorbent materials.
- (e) It shall be the responsibility of the agency furnishing aid hereunder to notify the requesting party of any items for which reimbursement or replacement is requested. This notification shall include information regarding quantity used, manufacturer's name, local supplier, and specific item(s) used.

**Section 7. Implementation**

The aforementioned agency's Fire Chiefs will meet and develop an implementation plan identified, which will be provided as an Appendix of this agreement.

**Section 8. Authorization**

Pursuant to this Agreement, the City of Indian Harbour Beach and the Town of Melbourne hereby authorizes each party respectively to perform the duties and services required herein.



**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Automatic Aid Agreement on the dates as set forth below.

ATTEST:

INDIAN HARBOUR BEACH, FLORIDA

\_\_\_\_\_  
Sue Frank, City Clerk

\_\_\_\_\_  
John Coffey, City Manager  
This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Approved as to form and legality:

\_\_\_\_\_  
Karl Bohne, City Attorney

ATTEST:

MELBOURNE BEACH, FLORIDA

\_\_\_\_\_  
Amber Brown, City Clerk

\_\_\_\_\_  
Elizabeth Mascaro, Town Manager  
This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Approved as to form and legality:

\_\_\_\_\_  
Ryan Knight, Town Attorney

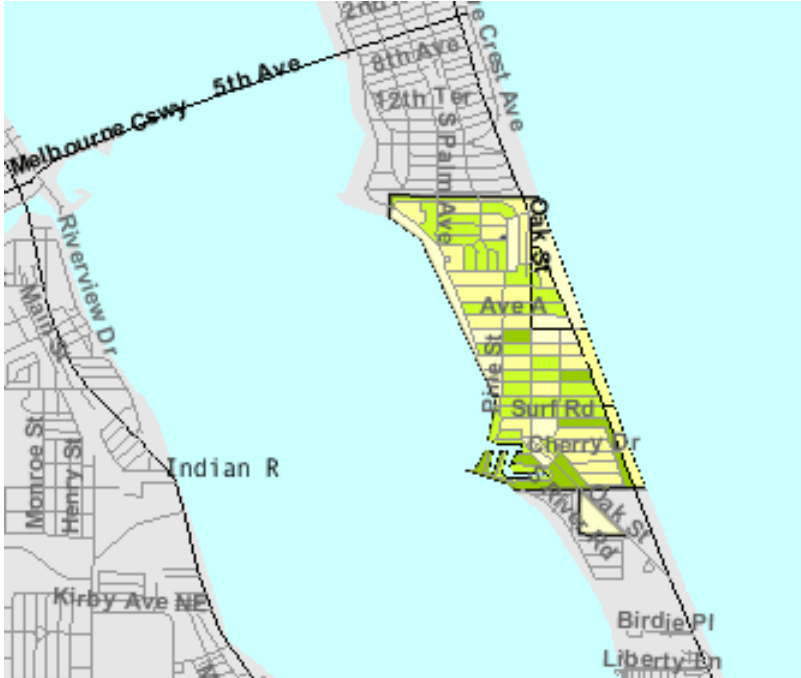
**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF INDIAN HARBOUR BEACH AND THE TOWN OF MELBOURNE BEACH  
REGARDING AUTOMATIC AID FOR FIRE PROTECTION AND RESCUE SERVICES**

**APPENDIX – A**

**Automatic Aid Response Areas for Structural Fires**

Pictorial description of the City of Indian Harbour Beach and Town of Melbourne Beach legal boundaries.

**Town of Melbourne Beach**



**City of Indian Harbour Beach**

## Town Commission Meeting

**Section:** New Business

**Meeting Date:** January 15, 2025

**From:** Mayor Alison Dennington

**RE:** Discussion on adopting a resolution supporting the 2025 Florida League of Cities Legislative Platform

### Background Information:

In an effort to build support for the Florida League of Cities (FLC) 2025 Legislative Platform, they requested the Town adopt a resolution.

### Recommendation:

Discuss adopting a resolution supporting the 2025 Florida League of Cities Legislative Platform.

### Attachments:

Email request from Mayor Alison Dennington  
Email from Allison Payne with the Florida League of Cities  
Proposed resolution drafted by the Florida League of Cities

**From:** [Alison Dennington](#)  
**To:** [Ryan Knight](#); [Melbourne Beach Town Manager](#); [Melbourne Beach Town Clerk](#)  
**Subject:** Fw: Draft Resolution supporting 2025 FLC Legislative Platform  
**Date:** Tuesday, December 17, 2024 12:06:06 AM  
**Attachments:** [Draft Resolution supporting 2025 FLC Legislative Platform.eml](#)

---

See attached for next regular meeting discussion  
Can you for discussion and vote of TMB passing a Res in support.  
Thx

Sincerely,

Mrs. Alison Dennington  
Mayor, Town of Melbourne Beach

(Please pardon any spelling errors; Sent from my iPhone)

**From:** [Allison Payne](#)  
**Cc:** [Brenda Jones](#); [Casey Cook](#)  
**Subject:** Draft Resolution supporting 2025 FLC Legislative Platform  
**Date:** Monday, December 16, 2024 11:50:05 AM  
**Attachments:** [Draft Resolution supporting 2025 FLC Legislative Platform.docx](#)  
[image001.png](#)

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FLC Advocacy Committee,

The FLC 2025 Legislative Platform was adopted by the membership at the recent Legislative Conference in Orlando. Here is a link:  
<https://www.floridaleagueofcities.com/docs/default-source/resources/final-2025-legislative-platform.pdf>

In an effort to build support for our legislative issues, attached is a draft resolution your city can adopt supporting the 2025 FLC Legislative Platform.

This will provide more exposure for our legislative platform, educate other municipal officials on key legislative issues and encourage support with members of the Florida Legislature.

A special thanks to Mayor Lois Paritsky, Ponce Inlet, for the great idea.

Please share your city's resolution with the League too.

Thank you for your advocacy.

Happy Holidays!

Allison

**Allison Payne**

Manager, Advocacy Programs & Federal Affairs  
Florida League of Cities, Inc.  
Executive Director, Florida Association of City Clerks  
850.701.3602 (direct)  
850-545.2755 (cell)  
[www.flcities.com](http://www.flcities.com)



*Draft Resolution Supporting 2025 FLC Legislative Platform*

A RESOLUTION OF THE (CITY/TOWN/VILLAGE OF \_\_\_\_\_), URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2025 FLORIDA LEAGUE OF CITIES' LEGISLATIVE PLATFORM.

WHEREAS, the Florida Legislature will convene the 2025 Legislative Session on March 4, 2025; and

WHEREAS, the membership of the Florida League of Cities (FLC) adopted its 2025 Legislative Platform during the FLC Legislative Conference on December 6, 2024; and

WHEREAS, the (city/town/village of \_\_\_\_\_) supports the 2025 FLC Legislative Platform, which includes:

- Supporting legislation that allows for a collaborative approach that balances the pressing needs for affordable and workforce housing while respecting the ability of local governments to effectively manage growth to ensure developments align with the character, capabilities and resources of each community.
- Supporting legislation that ensures all vehicles, regardless of fuel type, contribute fairly to the funding of Florida's transportation infrastructure, which will allow cities to maintain safe and reliable roads for all residents.
- Supporting the preservation of municipal authority over utility revenues and the ability to realize a reasonable rate of return on utility assets. Legislation should honor current practices, existing contracts, utility operation and maintenance costs, service territory obligations and revenues obligated for debt service and planned projects.
- Supporting the levy of property taxes by municipalities to provide critical services such as infrastructure, police, fire and emergency services. Further changes or exemptions to the property tax system and tangible personal property taxes would create inequities and unfairly shift the tax burden onto families, homeowners, renters, businesses and our most vulnerable population.
- Supporting the preservation of reasonable sovereign immunity liability caps for municipal governments to protect taxpayer funds and ensure the delivery of public services.

WHEREAS, (city/town/village of \_\_\_\_\_) also supports the FLC policy positions relating to:

- Annexation
- Impact Fees
- Local Business Taxes
- One Water
- Public Safety Recruitment and Retention

NOW, THEREFORE, BE IT RESOLVED BY THE (CITY/TOWN/VILLAGE OF \_\_\_\_\_):

SECTION 1. The (city/town/village of \_\_\_\_\_) will work with our local legislative delegation in support of these and other issues affecting Florida's cities, towns and villages during the upcoming 2025 Legislative Session.

SECTION 2. A copy of this resolution shall be provided to the members of our local legislative delegation and the Florida League of Cities, Inc.

PASSED AND ADOPTED by the (city/town/village of \_\_\_\_\_) on \_\_\_\_\_.

# Town Commission Meeting

**Section: New Business**

**Meeting Date: January 15, 2024**

**From: Anna Butler**

**RE: Melbourne Beach Town Meetings**

## Background Information:

The team meetings are excessive in length, leading to inefficiency and ineffectiveness as decisive outcomes can be difficult to discern. Additionally, the Town residents are reticent to attend meetings and are often, if they do attend, unable to remain throughout the length of the meetings, preventing them from having their opinions and concerns aired during Public Comment

## Recommendation:

Item #1: Place a limitation on the length of Town Meetings. Add to Resolution No. 2023-10 Commission meetings are to begin at 6:00pm and will end at 9:30pm. The commission may extend the meeting by 30 minutes, until 10:00pm, by a majority vote. A further extension of 30 minutes, until 10:30pm, must be decided by a super-majority (4 to 1 if all present) vote of the Commissioners present at the time of adjournment.

Item #2: Revise the order of business for a regular meeting to better accommodate the residents, as follows:

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Proclamations and Awards
5. Presentations by Special Guests
6. Departments/Boards/Committees – reports, appointments and reappointments
7. Public Comment – non-agenda items
8. Meeting Agenda – Additions/Changes/Deletions
9. Consent Agenda – Approval of minutes
10. Public Hearings/Special Orders
11. Unfinished business
12. New Business
13. Administrative Reports
14. Commission Reports
15. Task List



## 16. Adjournment

Item #3: Compliance with Robert's Rules of Order

Familiarization with and implementation of these rules to ensure respect, efficiency and effectiveness in meetings. For example, please see attached the "Call the Question", which is a suggestion by a Commissioner to stop the debate and vote

### **Attachments:**

Robert's Rules of Order "Call the Question"

Resolution 2023-10 Town Commission Rules and Procedures

# How do you “Call the Question” in Robert’s Rules?



The motion “to Call the Question,” which has the technical name of “Move the Previous Question,” may be the most abused motion in all of Robert’s Rules of Order. It is very common for people to shout out the word “question” or “I call the question” in the expectation that debate will immediately stop, and a vote will be taken. This is WRONG, WRONG, WRONG.

## KEY POINTS TO KNOW ABOUT “CALL THE QUESTION”

- A member must have the floor in order to make this motion. Raise your hand and wait until the chair gives you the nod – “recognizes you” – before speaking.
- When you make this motion, you are only suggesting that YOU would like to stop debate and vote. It is an expression of your wish, not a hammer to bludgeon your colleagues.
- This motion requires a second. There have to be at least two people in the room who want to cut off debate before it can be considered.
- This motion cannot be discussed or debated. As soon as the chair hears a second, they immediately take the vote.
- It takes TWO-THIRDS of the voting members in favor to cut off debate. Therefore the chair should take the vote by show of hands, and not by voice.
- If indeed two-thirds of the group want to stop debate and vote, then the chair immediately takes the vote on the pending motion – the motion that the group is considering at this time. No further discussion is allowed.
- It is also possible to call the question on ALL the pending motions, in which case the chair will take the vote on each motion that is before the group, one after another.
- Robert’s Rules of Order does not allow this motion to be made in committee meetings.



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### SAMPLE SCRIPT FOR “CALL THE QUESTION”

**Member A:** *I call the question.*

**Member B** (without being recognized): *Second!*

**Chair:** *It has been moved and seconded that we stop debate and vote on the pending question, which is [state the motion being discussed].*

*All those in favor of stopping debate and voting now, raise your right hand.*

[Members in favor raise hand.]

**Chair:** *Thank you, hands down. All those opposed, raise your right hand.*

[Members opposed raise hand.]

**Chair:** *Thank you, hands down.*

[If the ayes have it:] *There are two-thirds in favor and we will vote immediately.* [Take vote]

[If the noes have it:] *There are not two-thirds in favor and debate will continue. Next speaker please...*

### WHAT DOES THE MOTION “TO CALL THE QUESTION” OR “PREVIOUS QUESTION” REALLY MEAN?

This motion is actually a “vote on whether to vote.” The term “previous question” is an unhappy leftover from the 19th century. The words meant something completely different in the British parliament. We believe that it would be better to rename this motion as “the motion to stop debate” or “motion to vote immediately.”

### How do you “Call the Question” in Robert’s Rules?

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P.O. Box 77553, Seattle, WA 98177

TEL 206.542.8422 | EMAIL [info@jurassicparliament.com](mailto:info@jurassicparliament.com)

[www.jurassicparliament.com](http://www.jurassicparliament.com)

The Resolution on Town Commission Rules and Procedures was updated and approved as Resolution 2023-02. However, that resolution number was taken and used on another resolution requiring this resolution to be renumbered to Resolution 2023-10.

Town Clerk Amber Brown

## RESOLUTION NO. 2023-02

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH BREVARD COUNTY, FLORIDA MODIFYING AND RESTATING TOWN COMMISSION RULES AND PROCEDURES; MAKING FINDINGS; ESTABLISHING MEETING RULES OF PROCEDURE; ESTABLISHING THE SEATING ARRANGEMENTS AT MEETINGS; SETTING THE AGENDA; PROVIDING FOR ACTION BY CONSENT; SETTING THE TYPES OF MEETINGS; PUBLIC NOTICE OF MEETINGS; SETTING FORTH RULES TO ADDRESS THE TOWN COMMISSION AND PROCEDURES TO ADDRESS LAND DEVELOPMENT AND QUASI-JUDICIAL MATTERS; PROVIDING FOR COMMISSION AND STAFF RESPONSE TO PUBLIC COMMENTS; SETTING RULES OF DEBATE; SETTING A TIME FOR ADJOURNMENT OF MEETINGS; PROCEDURES FOR MINUTES OF TOWN COMMISSION MEETINGS; PROVIDING PROCEDURES FOR AMENDING OF THE RULES; REPEALING PRIOR RULES OF PROCEDURE; PROVIDING THE METHODOLOGY FOR REQUESTS BY A COMMISSION FOR ACTION BY THE TOWN MANAGER, TOWN CLERK, OR TOWN STAFF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission recognizes and acknowledges the need and requirement for established procedures to be implemented in order to facilitate orderly and respectable regular and special Town Commission meetings; and

**WHEREAS**, the Town Commission desires to define its procedures in a single document which will allow interested parties to easily understand Commission procedures and that may be revised from time to time in response to changing circumstances, and

**WHEREAS**, this resolution shall act as a guide and framework for Town Commission procedures;

**WHEREAS**, this resolution is intended to supersede all previously adopted rules of procedures, including but not limited to Resolution Nos. 702, 708, 729, 744, 3-2005, 2007-15, 2008-22, 2009-10, 2012-01, 2012-02, 2012-14, 2016-01, and 2016-12.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Melbourne Beach, Brevard County Florida that the following policies and procedures are hereby accepted, amended, restated, adopted, and words underlined constitute new text, and words ~~stricken through~~ constitute deleted text:

## **Section 1. Rules of Procedure.**

(A) Pursuant to Section 1-20, Town Code, the Town Commission shall utilize the Robert's Rules of Order, Newly Revised (12<sup>th</sup> ed. 2020) as its official rules of procedure.

**[COMMISSION INTENT:** Currently, the 12<sup>th</sup> edition of Robert's Rules of Procedure is the most current version of the rules.]

(B) These policies and procedures shall be adopted, amended, or repealed by amending the adopting resolution. These policies and procedures shall supplement and supervene Robert's Rules of Order to the extent of a conflict.

(C) These policies and procedures may be adopted, amended, or repealed by a two-thirds vote of the full Town Commission.

## **Section 2. Seating at Meetings.**

(A) The seating of Commissioners at any meeting shall be as set forth herein. The Mayor shall be seated in the middle with two Commissioners seated on the Mayor's right and two Commissioners seated on the Mayor's left.

(B) The following seating arrangement shall be used unless all Commissioners agree on an alternative seating arrangement. The Vice Mayor shall be seated to the Mayor's right. The Commissioner having the most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's left. The Commissioner having the second most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's extreme right. The Commissioner having the third most consecutive or non-consecutive service on the Commission shall be seated to the Mayor's extreme left.

In the event that two Commissioners are tied for the amount of service on the Commission and if both members were most recently selected at the same election, the Commissioner winning by the greater number of votes shall be considered to be the more senior member of the Commission.

If two Commissioners are tied for seniority, seniority shall be determined by the flip of a coin by the Town Clerk in the presence of both Commissioners, and the member whose last name begins with the letter closest to "z" shall be designated as having called heads.

### Section 3. Setting the Agenda.

(A) The Town Manager and Town Clerk prepare the agenda for a regular meeting. The order of business for a regular meeting shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Moment of Silence
4. ~~Proclamations and Awards~~
5. ~~Presentations by Special Guests~~
6. ~~Boards and Committees~~
  - a. ~~Reports by all Boards and Committees~~
  - b. ~~Appointments and Reappointments~~
7. ~~Public Comment~~
8. ~~Changes to the Agenda~~
9. ~~Consent Agenda~~
  - a. ~~Approval of Minutes~~
10. ~~Public Hearings~~
11. ~~Old Business~~
12. ~~New Business~~
13. ~~Reports:~~
  - a. ~~Town Attorney~~
  - b. ~~Town Manager~~
  - c. ~~Departments~~
  - d. ~~Town Commissioners~~
14. ~~Adjournment~~
4. Meeting Agenda-Additions/Deletions/Changes
5. Consent Agenda
6. Proclamations/Presentations/Awards
7. Finance/Budget Report
8. Department and Board/Committee Reports
9. Public Comment (non-Agenda items)
10. Public Hearings/Special Orders
11. Unfinished Business
12. New Business
13. Administrative Reports
14. Commission Reports
15. Task List
16. Public Comment
17. Adjournment

#### (B) Adding Items to the Agenda:

(1) The general closing date for items to be placed on the Town Commission regular meeting agenda is 5 p.m. on the Wednesday preceding the scheduled regular meeting.

(2) A Commissioner may request any task list item on which the Commission will vote) or discussion item to be placed on the upcoming regular meeting agenda. The Commissioner desiring to have an item placed on the agenda shall notify the Town Clerk and present the item in writing to the Town Clerk no later than the closing date outlined in item (1) above. Notification to the Town Clerk shall be done in writing with the item written as it should be presented on the agenda. The agenda title shall state the specific purpose or topic of the item. Items with a vague title will not be included on the agenda. The name of the Commissioner requesting the topic shall also be identified with the agenda item. Items placed on an agenda by a Commissioner must include associated backup. Such backup must be submitted to the Town Clerk for inclusion in the agenda packet by 5 P.M. on the Wednesday preceding the scheduled regular meeting.

(3) Staff members may request that the agenda be supplemented with an additional item after the closing date by requesting such item through the Town Manager. Supplemental items should be administrative, time-sensitive items. In no event shall items be added to a Town Commission regular meeting agenda within the forty-eight (48) hours preceding such meeting.

(4) No item, once placed on an agenda, may be removed there-from without the approval of the Commissioner placing the item on the agenda. An item placed on the agenda by the Town Manager may be removed by the Town Manager at any time. An item placed on the agenda by the Town Attorney may be removed by the Town Attorney at any time.

**Section 4. Action by Consent.** By general, unanimous, or silent consent, the Commission can do business with little regard for the rules of procedure, as they are made for the protection of the minority, and when there is no minority to protect, there is little need for the restraint of the rules, except such as protect the rights of absent members. In the former case the consent of the absentees cannot be given. A single objection defeats a request for general consent. By the legitimate use of the principle that the rules are designed for the protection of the minority, and generally need not be strictly enforced when there is no minority to protect, business may be greatly expedited. When there is evidently no opposition, except in the case of state law requiring a recorded vote or when an ordinance or written resolution is being adopted in final form, the formality of voting can be avoided by the Mayor asking if there is any objection to the proposed action, and if there is none, announcing the result. The action thus taken is said to be done by general consent, or unanimous or silent consent. Thus, after an order has been adopted limiting the speeches to two minutes each, if a speaker is so interesting that when their time has expired there is a general demand for them to go on, the Mayor, instead of waiting for a motion and taking a vote, could accept it as the will of the assembly that the speaker's time be extended, and would direct them to proceed. Or, the Mayor might say that if there is no objection, the member's time will be extended two minutes, or some other time. (Excerpts from Roberts' Rules of Order).



## **Section 5. Types of Meetings.**

(A) **Regular Meetings:** Regular meetings of the Town Commission shall be held on the third Wednesday of each month in the Community Center, unless the Town Commission designates a different date, time or place by a consensus of the Town Commission present at a preceding meeting. At a regular meeting of the Commission, motions may be made and action taken on any subject on the agenda. Administrative or emergency issues may be added to the agenda, but no final action may be taken if the Charter, the Code, Florida or Federal law require an advertised public hearing.

(B) **Special Meetings:** Special meetings may be called in accordance with Section 2.11 of the Town of Melbourne Beach Charter, which states as follows: Section 2.11. "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." Additional items shall not be added to the agenda of a special call meeting by any individual.

To the extent possible, the Town Commission shall attempt to schedule special and workshop meetings on the first Wednesday of each month to facilitate planning and scheduling for individual commission members, town staff, and the public. This paragraph is not to be construed that a special meeting shall be automatically mandated for the first Wednesday but only if such a meeting is requested.

(C) **Workshop Meetings:** Workshop meetings shall be called in the same manner as a special meeting. No binding decisions shall be made at a workshop meeting; therefore, motions may be proposed and dispensed with, only to determine the majority intent or desire of the Commission and to facilitate progress of the meeting.

(D) **Emergency Meetings:** Emergency meetings shall be in accordance with Section 2.11 of the Town of Melbourne Beach Charter, which states as follows: Section 2.11. "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."

**Section 6. Public Notices.** Public notices for Town Commission regular meetings shall be posted on the Town bulletin board and the Town's website by 5 p.m. on the Friday preceding the regular meeting. However, failure to do so shall not affect the legality of the meeting or the validity of any actions taken at the meeting. Items shall not be added to a Town Commission regular meeting agenda after this time, unless done in accordance with Section 3.B.(3). Special meeting public notices shall be posted in accordance with Section 2.11 of the Town of Melbourne Beach Charter. Workshop meeting and Emergency meeting public notices shall be posted the same as a special meeting. Meeting notices will be posted by staff where allowed.

## **Section 7. Decorum: Addressing the Commission.**

(A) Any speaker who becomes unruly, screams, uses profanity or shows poor conduct may be asked to leave the lectern and return to their seat by the Mayor. Should the speaker refuse to leave the lectern and return to their seat, the Mayor may rule the speaker “out of order.” Should the speaker still refuse to leave the lectern and return to their seat, the Mayor may ask an assigned law enforcement officer to remove the speaker from the meeting.

(B) Any person may be allowed to address the Commission which may include residents and non-residents, property owners or guests invited by the Commission or the Town Manager. Employees of the Town may not address the Commission regarding their job descriptions and/or job related requirements if such comment would circumvent the chain of command. Members of the public shall not address individual members of the Commission but shall address the Commission as a whole through the Mayor.

(C) Speakers must come to the lectern to speak, but they may come to the lectern only after they have been recognized by the Mayor.

(D) No individual shall address the Commission until said person discloses who he or she is representing (if other than himself or herself), and discloses his or her name and address. If the speaker’s name is difficult to spell or otherwise confusing, the Mayor shall stop the speaker from addressing the Commission and ask the speaker to spell his or her name for the benefit of the Clerk and the record.

(E) Special interest groups are encouraged to select a representative to speak for them in order to conserve time and avoid repetition. In the event that a representative is selected, a list of the names and addresses of all concerned citizens who are present may be given to the Town Clerk for inclusion in the record. In no case will the selection of a representative speaker result in another citizen being denied the opportunity to speak.

(F) Members of the public seeking to address the Commission may do so under the “Public Comments” area of the agenda and should prepare their remarks before addressing the Commission in an effort to be concise and to the point. Except as provided in rule sub-section (H) below, members of the public are limited to a total of three minutes to address the Commission. However, by consensus of a majority of the Commissioners present, this time may be extended for a specific additional amount of time. The Town Clerk shall carefully time the presentation of anyone addressing the Commission. This rule of procedure shall be included on agendas to advise the public and those wishing to speak.

(G) If an individual wishes to speak on a Consent item, they may do so by either:

(1) Approaching the Mayor or a member of the Town Commission prior to the start of the meeting and request that the item be removed from the “Consent Agenda”.

(2) Requesting discussion or explanation under the “Public Comments” portion of the agenda understanding that they must address the Commission within the time allotment of 3 minutes. The Mayor, Commission or Staff may then address the individual as outlined in Section 9.

(~~H~~) With regard to quasi-judicial matters, the three-minute rule shall be waived for any person making a record for possible court review. The Mayor shall determine from the speaker the amount of time needed. The Mayor upon showing of good cause by the speaker with the consensus support of a majority of those Commissioners present, shall adjust the amount of time necessary for the speaker to make a record for court review. The Mayor, on its own motion, may shorten the revised time at any time that the speaker becomes redundant or strays from the issues before the Commission.

(~~I~~) Speakers shall address only the issues before the Commission, unless speaking under the “Public Comments” section of the agenda. Speakers shall avoid redundant comments.

(~~K~~) Except in the case of land development items as described in Section 8, the sequence for agenda-item discussion shall be as follows:

- (1) Mayor introduces item by reading it from the agenda.
- (2) Mayor asks for a brief staff overview/explanation of the item.
- (3) The item is open for discussion by the Town Commission.

(4) Each commission member is given an opportunity to speak before a member speaks a second time.

(5) Public Comment will be solicited on all items except those determined to be an exception to the rule by majority vote of the Commission. Citizen comments are limited to three minutes. A speaker may only address the commission one time on an item.

(6) Additional comments from the Commission are entertained.

(7) Mayor asks for a motion to be introduced on the item. Mayor ensures that a second to the motion is received. If no second is received, the Mayor announces that the motion dies for lack of a second. Another motion is solicited.

(8) Mayor calls for a vote.

(~~L~~) The Mayor may pass the gavel to make a motion. The Mayor shall also have the power to recommend to the Commission a particular motion.

(ML) With the consent of a majority of the members of the Commission present at a meeting, the Mayor has the power to change the order of business on the agenda.

## **Section 8. Land Development Issues and Quasi-Judicial Matters.**

(A) Land Development Matters. A land development matter includes quasi-judicial permits or approvals and legislative zoning and comprehensive plan decisions.

(B) The sequence for agenda-item discussion shall be as follows:

(1) The Mayor shall introduce the agenda item;

(2) The Mayor shall request the Town Attorney to read the item by title if an ordinance or resolution is being considered;

(3) The Mayor shall ask the Town Manager, Town Attorney or other appropriate staff member to provide background detail with regard to the proposal;

(4) The Mayor shall ask any member of the Commission who has a voting conflict of interest to disclose the same. In the case of quasi-judicial matters, the Mayor shall ask any member of the Commission conducting an *ex parte* discussion with any non-Town staff person to disclose the same, as well as the substance of the discussion. In the case of quasi-judicial matters, the Mayor shall ask any member of the Commission conducting a site visit to a site subject to Town decision-making to disclose the same and any salient facts relating to the permit under consideration that the member noticed while on site.

(5) The Mayor shall invite the applicant for proposal approval to address the Commission;

(6) The Mayor shall invite citizen comment on the agenda item;

(7) The Mayor shall afford the applicant an opportunity to rebut, correct, or clarify citizen comment;

(8) The Commission discusses the item, including motion/second and other action.

**Section 9. Commission/Staff Response to Public Comments.** If under “Public Comments” a citizen’s concern can be addressed by (1) answering his/her questions; (2) by providing a short explanation; or (3) by Commission’s directing the Town Manager to follow up, such action will be taken.

If responding to the matter will involve Commission discussion and subsequent Commission action or Commission vote, the matter shall be designated as an agenda item for the next regular Town Commission meeting.

If a concern involves a Consent item and cannot be resolved within a reasonable amount of time, the item shall be removed from the "Consent Agenda" and further discussed as the first item under "New Business".

At no point shall members of the Town Commission or Town Staff engage in disorderly conduct when responding to recognized members of the public.

#### **Section 10. Rules of Debate.**

(A) During a presentation by a member of the public or staff member, Commissioners, staff members and members of the public shall avoid interrupting the speaker. After a speaker has completed comments or a presentation, the Mayor and members of the Commission may question the speaker.

(B) After all members of the public have been permitted to speak (if a public hearing or other items open to public discussion), the Mayor shall close the floor to the public. The Commission may then discuss the item pending before the Commission. Staff may participate in the discussion to the extent of furnishing information and pointing out the effect of a decision one way or the other. After a reasonable opportunity has been given to Commissioners to speak, the Mayor shall afford the Commission an opportunity to make a motion.

(C) When the Mayor has placed an item on the agenda for debate, the Mayor shall pass the gavel to the Vice Mayor.

(D) Point of Order. A point of order can be raised at any time when any member notices a violation of the rules or when a decision is made by the Chair that should have been made by majority vote of the Town Commission. The member raising the point of order shall remain seated and verbally state "Point of Order". The chair shall immediately stop the proceedings and discussion, recognize the commissioner who has called the point of order, and ask the commissioner to state the violation or cause. The chair's duty is to make a decision, called a ruling, on the point of order. He may need to check the rules or the bylaws, or ask the parliamentarian for advice, but a point of order is usually ruled on in one of two ways:

The point is declared either "Well-taken," or "Not well-taken," and a short explanation of the ruling is given by the chair.

Should the member calling "point of order" disagree with the Chair's ruling he or she may appeal that ruling (decision) to the Town Commission by stating as follows:

"I appeal the Chair's ruling."

The Chair shall immediately call for a vote of the Town Commission as to the ruling. In the event the majority Town Commission votes in favor of the appeal, the ruling

shall not stand and the person calling the appeal may continue with debate or by making a motion.

Should the majority Town Commission vote against the appeal, the Chair's ruling stands and the meeting proceeds without further discussion on the point of order. In the event of a tie the ruling stands.

A point of order:

- Can interrupt a speaker who has the floor.
- Doesn't need to be seconded.
- Isn't debatable.
- Can't be amended.
- Is decided by the chair: unless appealed
- Can't be reconsidered.

### **Section 11. Time for Adjournment.**

Regular, special, and workshop meetings shall adjourn at the pleasure of the Town Commission. In the interest of time, the Town Commission may elect to call a special meeting or place unfinished items on the next month's regular meeting agenda.

### **Section 12. Minutes.**

(A) The Minutes of the previous meeting(s) shall be presented to the Commission under item a. of the "Consent Agenda".

(B) Commissioners should attempt to contact the Town Clerk prior to noon on Tuesday before any regular meeting of the Commission to advise the Clerk of proposals to revise the minutes. If there is a question about what someone said or how someone voted, this will give the Clerk an opportunity to review the tape and any notes for a given meeting.

(C) At a regular Commission meeting, the Clerk shall advise the Commission of any revisions to be made to a pending set of minutes. If there are additional revisions to be included, the minutes shall be pulled from the "Consent Agenda" to be discussed under "New Business".

(D) After acknowledging the revisions to the minutes, the Mayor shall permit the minutes to be approved with the remainder of the "Consent Agenda".

(E) Minutes must be approved by at least three votes of the Commission.

(F) As provided in Section 1-26(d)(1)(B), of the Town Code, if minutes of a previous meeting are critical to a debate on an upcoming agenda by the Town Clerk, Town Manager, or the Town Commission, the Town Clerk shall attempt to prepare draft minutes and distribute them to the Commission prior to the meeting, unless excused from doing so by the Mayor. In all other cases, draft minutes shall be released as soon as possible after

the Commission meeting to which they apply. Draft minutes shall be considered to be a public record once they have been completed by the Town Clerk; however, shall not be available via the Town website until approved by the Town Commission.

As provided in Section 1-26(c)(3), of the Town Code, any member of the Commission may have attached to the minutes an explanation of why said Commissioner voted in a particular manner. Said explanation shall not be subject to a vote by the other Commissioners and shall not exceed 250 words. The explanation must be submitted by the agenda closing date for the next regular meeting. Said explanation shall not contrast the Commissioner's vote with other members of the Commission. Said explanation shall show respect for the position of other Commissioners and shall merely explain why the Commissioner voted as he or she did. The explanation may be expunged from the minutes and maintained as a separate public record by a majority vote of the Commissioners for failure to adhere to this rule subsection.

**Section 13. Amendment of Rules.** As provided in Section 1-20, Melbourne Beach Code of Ordinances, the Town Commission may by four (4) votes amend or terminate rules of procedures.

**Section 14. Effective Date; Repeal of Prior Rules.** These rules are effective-immediately upon adoption. All prior rules of procedure of the Town Commission adopted by resolution, be and the same are hereby repealed, including but not limited to the rules set forth in Resolution No. 2016-12 (adopted October 19, 2016); Resolution 2016-01 (adopted February 17, 2016); Resolution No. 2012-14 (adopted December 19, 2012); Resolution No. 2012-02 (adopted March 21, 2012); Resolution No. 2012-01 (adopted January 18, 2012); Resolution No. 2009-10 (adopted July 15, 2009); Resolution No. 2009-10 (adopted July 15, 2009); Resolution No. 3-2005 (adopted May 18, 2005); Resolution No. 2008-22 (adopted Dec. 17, 2008); Resolution No. 2007-15 (adopted Dec. 19, 2007); Resolution No. 702 (adopted March 20, 2002); Resolution No. 708 (adopted July 17, 2002); Resolution No. 729 (adopted January 21, 2004); and Resolution No. 744 (adopted September 15, 2004).

**[TOWN COMMISSION INTENT:** In the past when the Town Commission has adopted new rules, reference has been made in the recitals that it was the intent of the Town Commission to supersede certain former rules. *See, e.g.,* the last recital in Resolution Nos. 3-2005, 2007-15, 2008-22, and 2009-10, all providing that Resolution Nos. 702, 708, 729, and 744 were to be "superseded." However, no former statement of repeal of past rules of procedure has ever been adopted by the Town Commission. The purpose of this provision is to formally manifest the intent of the Town Commission that previous rules of procedure are intended to be repealed, and that this resolution represents the currently effective rules of procedure of the Town Commission.]

In adopting, amending, and restating these rules of procedure, statements of Town Commission intent are not a part of any adopted rule of procedure and merely explain, as a form of legislative intent, the reason for the rule or background information relating to the rule.

**Section 15. Requests by a Commissioner for Action by Town Manager, Town Clerk, or Town Staff.** Any request by a Commissioner for action by the Town Manager, Town Clerk, or Town staff members must be in written form. An e-mail will suffice. In compliance with Section 3.03(b), Charter of the Town of Melbourne Beach, requests for action by a Town staff member must be made to the Town Manager. Requests for action by the Town Clerk may be made directly to the Town Clerk but must be copied to the Town Manager. As used in this section, the term "action" includes any request for information, request for analysis, the production of public records as defined by Chapter 119, Florida Statutes, or the undertaking of any deed or act.

**PASSED AND ADOPTED** by the Town Commission of the Town of Melbourne Beach, Florida at a regular meeting this 17th day of May, 2023.

TOWN OF MELBOURNE BEACH,  
FLORIDA, a Florida Municipal Corporation

ATTEST:

By: Wyatt Hoover  
Wyatt Hoover  
Mayor

Amber Brown  
Amber Brown,  
Town Clerk





## Town Commission Meeting

**Section:** New Business

**Meeting Date:** 01/15/2025

**From:** Dawn Barlow

**RE:** Task List – Discussion and Recommendations

### Background Information:

During the Dec 2024 workshop, Dawn Barlow summarized a general list of open topics of the Town/Town Commission. This is not to replace any specifics captured in meeting minutes, but a valuable summary for the latest appointed and elected Commission. There is no order/priority of items. Review by all TCs is encouraged and welcomed, as this is a working document between the TC and Town.

### Recommendation:

In summary; Town Departments incorporate updates in their monthly TC reports on the following:

Code violations – Code Enforcement Officer

Record Retention and New Town Website – Town Clerk

Infrastructure – Town Manager and/or Public Works

Board updates (Charter Review Committee, Parks Board, EAB, History) – Town Manager

Legal – Town Manager

TC Task List encompasses the following and the TC reviews the Task list at the end of each TC meeting:

#### STR

- Ordinance language modification
- Noise ordinance language modification
- Regulating

#### P&Z

- Foundation Height

- Tree removal/replacement

Storm Water

Budget Education

Town Manager Contract and Town Policies & Procedures

Magistrate Back-up

Boat Ramp

Fire Department

Others: Sand Tennis

**Attachments: Summary of open items as of 01082025**

## STR

- Language modification on STR ordinance
  - Reviewing at Workshop on 12/16/24
  - 1<sup>st</sup> reading targeted for 12/18/24
  - 12/16 – 1<sup>st</sup> reading now targeted for 1/15/25
- Language modification on noise ordinance (Part STR, Part all Melbourne Beach)
  - Reviewing at Workshop on 12/16/24
  - 1<sup>st</sup> reading targeted for 12/18/24
  - 12/16 – 1<sup>st</sup> reading now targeted for 1/15/25
- Code violations
  - Process for code violations – internal v legal process
  - 12/18- Town Manager indicated Code Enforcement officer will be starting Jan 2025
  - Suggest removal of item from list, and look for Code Violation report on an ongoing monthly basis
- Regulating: Registered v non-registered
  - Process for regulating
    - Town Manager to add report for 12/18/24 meeting- Existing registered, addresses believed to be operating without being registered, pending applications with anticipated inspection dates
  - Evaluation of 3<sup>rd</sup> party vendor – Town Manager plans to have details to share at the 12/16 Workshop
    - Orange Data
    - Deckard Technologies
      - 12/18/24- held for Jan meeting for additional research and questions

## P&amp;Z

- Foundation height
  - P&Z discussed at 11/13/24
  - P & Z to evaluate proposed attorney language in Feb
- Tree removal/replacement
  - Joint EAB/P&Z discussion – bringing proposed language forward
  - Town manager update – 11/26/24 - Meeting with Ryan Knight, Corey O’Gorman and Robert Bitgood to discuss.
  -

## Storm Water

- Schedule workshop meetings
  - Town Manager to get BSE availability.
  - Determine if Special Meeting is scheduled or add to Jan and Feb Workshop
    - Basin 10
      - Scope findings from BSE
    - Basin 1
      - BSE anticipates having engineering work completed by the end of Dec

- Next step - cost estimates – possibly 3 phases – RFP
- Ocean Avenue – possibly sinkhole
  - PW investigating
- River View Lane – crushed outflow pipe
  - BSE will prepare cost
- 1/6/25- email from Town Manager, meeting with BSE scheduled for Tues, Jan 28 at 6pm.

#### Budget Education

- Target April/May Workshop-Town Manager and Finance Director

Records Retention – Digital Project- already incorporated into Town Clerk monthly report, suggest removal

New Town Website – already incorporated into Town Clerk monthly report, suggest removal

- Circulate/market on subscription options
- Consider website feedback field

Infrastructure – suggest incorporating this into Town Manager and PW monthly reports

- Riverside paving
  - Completion date? 11/24 – Town Manager - Skid under repair-has a hole in the base. Completion date extended an additional week -2 weeks.
  - Extension of Ocean Ave to be paved? Costs? 11/24/24 – Town Manager-Paving and curb work cost \$66,961. Not in budget. We will wait until we have additional paving and incorporate the final piece and/or wait until the left-hand turn lane is operational (road work required) and then repave.
  - 12/18/24, Town Manager advised equipment is fixed and project should be finished in the next couple of weeks, uncertain of holiday/vacation schedule
- Ocean Ave left turn lane-11/24/24 – Town Manager -This is pending with FDOT
- Cherry Dr/A1A crossover-11/24/24 Town Manager - This is pending with FDOT
- School zone – Brevard County responsible, PW emailed on 11/7

Charter Review Committee – suggest a Board submit an update to Town Manager to incorporate into monthly TC report

- Considered to be established with goal to have changes added to ballot for the election in Nov 2025- pass by TC on 11/20/24
  - Each TC submits a resident for 12/18
  - Anticipated to start January and finalize by June to meet referendum deadline
  - 12/18/24, Bruce Larson, Kathy Iver-Osthus, Charles Lepp, Jessica Martinez, and Jim Simmons – to start in Jan 2025

Sand Tennis – validate if this continues to be active or inactive

- Discussed and possible sponsorship by Bruce Larson – 11/24/24 Town Manager-I have spoken with Tom Davis and he is not in favor. Would not want tennis folks taking our net down and up for every use. Also does not want to leave their net in place. According to Tom there is and a group who plays volleyball on Saturdays.

Parks – suggest Boards submit updates to Town Manager to incorporate into monthly TC report

- Meeting to discuss the below TBD when new Parks Chair is named
  - Hometown Heroes – applications out – display targeted for Memorial Day 2025 - 11/24/24 Town Manager - we have received 4 applications so far.
  - Circle Park refresh-Public Works can start on this at any time once you have your final or partial plans.
  - Honor Walk location-consider Honor Walk in front of the Community Center.
  - Bicentennial - Garden Club- ideas being exchanged between Garden Club and Parks Board
  -

Law Suits – suggest incorporating this item into Town Manager monthly TC report

- Shed Case
  - Remains open – 11/24/24 Town Manager - Waiting for Judge Seagel to render final decision after filing for dismissal.
  - Dennington’s Attorney asking for Magistrate to issue a change in findings saying no wrongdoing. This was never a part of the Settlement Agreement.

Town Manager Contract and Town Policies & Procedures

- Schedule Special Workshop or incorporate into Jan Workshop
- 11/24/24 – Town Manager - Policies and Procedures Manual due in February.

- Additional Items

- 12/18/24 – Magistrate back-up – Town Manager to confirm by Feb 2025
- 12/18/24 – Boat Ramp Parking– February 2025
- 12/18/24 – Fire Department – February workshop – presentation for long term structure



## Town Manager Report for January 2025

1. Staff meeting held with department heads to discuss annual department goals, review wins and losses for 2024 and capital requirements for 2025-2026 budget cycle.
2. I emailed County Attorney Morris Richardson, regarding the Lease Agreement for Old Town Hall. The lease does not expire in 2025 as stated in December's RTCM meeting. The expiration date is October 30, 2026. The Lease provides for an additional five (5) year renewal upon written notice to the County, at least ninety (90) days prior to the lease expiration. I asked if the County intended to divest itself of the building and if the County would be willing to selling the building and possibly the land to the Town, (the land was approved as a long-term Scrub Jay Management area on 8-2-94). I also asked Mr. Richardson about the insurance maintained on the building. The County Attorney told me he would speak with the new Parks and Recreation Director and get back to me.

I asked the Building Official to inspect Old Town Hall for any structural deficiencies and to provide a cost to cure if necessary.

In the 2024-2025 Budget, \$12,500 is allocated for a new roof under capital expenditures from Department 19. During the December RTCM meeting, I was asked by the Mayor why I had not allowed for any capital improvements for the roof in this budget cycle. At that time, I could not recall the amount I allowed for the roof and therefore was unable to answer her question.

3. Ana Saunders and Scott Glaubitz from BSE will conduct a public workshop on Basin 1 . The meeting will begin at 6pm in the Community Center on Tuesday, January 28th. I will work with the Town Clerk to have the meeting recorded, although there will be no minutes taken and the Commission is not required to attend.
4. The Special Magistrate will convene a hearing at 3:00pm on Wednesday, January 29<sup>th</sup>. Notices of Violations have been sent. Compliance will be monitored and those who do not comply will be issued notices to appear.
5. Goodson Paving has agreed to repave the area that was torn up due to a water main break on Riverside Drive. The paving project should be completed by Friday, January 17<sup>th</sup>, weather and equipment permitting. The Town will be issued a credit for the reduction in the paving Ocean Avenue.
6. I wish to clarify from the December RTCM meeting the statement that the Town spent over \$12,000 on Christmas decorations in 2024. The actual amount spent from

the general fund was \$4,592.44 and \$1,292.81 in public donations. Below is the email explanation I received from the Finance Manager:

Elizabeth,

In FY24, the commission approved \$4,000 in the General Fund 001 (001-72-570.48.53) for Christmas Decorations.

In FY24, the commission also approved \$4,000 in the Ryckman Parking Fund 175 (175-75-575.48.53) for a Winter Festival. The General Ledger Number used at that time was coded for Christmas Decorations but this is not what the money was budgeted for or being used for. We did not spend this money in FY24 because we did not have a Winter Festival. In FY25 we changed the General Ledger Number to 175-75-575.48.54 – Winter Festival to represent the actual use.

The Town had \$1,292.81 in Fund 105 - Christmas Donations Fund.

In FY24, we spent the following on Christmas Donations:

\$4,592.55 – 001-72-570.48.53

\$1,292.81 – 105-72-570.48.53

\*Full time Code Enforcement Officer, Robert Trantham, began on January \*Building Official and Building Admin will attend a continuing education class 1/21

\*Attend County Manager's lunch.

\*Met with new Deputy City Manager Satellite Beach to discuss stormwater grant writing.

\*Discussed with City Manager John Coffey, who they used for engineering services.

\*Discussed vacation rental issues with City Manager Wayne Carragino.

\*Meeting with Robert Bitgood, Corey O'Gorman, and Ryan Knight to formalize final recommendations on building height and fill for presentation to P&Z and the Town Commission in February.

## JANUARY 2025 TASK LIST

<b>ITEM</b>	<b>OPENED</b>	<b>DUE DATE</b>	<b>CLOSED</b>	<b>REQUESTOR</b>	<b>ASSIGNED TO</b>
Review and search for a new magistrate	12/18/2024	2/19/2025		Commissioner Reed	Town Manager
<b>DATE</b>	<b>DIRECTION/NOTES</b>				
12/18/2024	Commissioner Reed – Review and search for a new magistrate and bring it back in February.				
<b>ITEM</b>	<b>OPENED</b>	<b>DUE DATE</b>	<b>CLOSED</b>	<b>REQUESTOR</b>	<b>ASSIGNED TO</b>
Develop a plan and proposal for paid parking at the 6 <sup>th</sup> Ave boat ramp	12/18/2024	2/19/2025		Commissioner Reed	Town Manager
<b>DATE</b>	<b>DIRECTION/NOTES</b>				
12/18/2024	Commissioner Reed - Develop the plan and proposal for the 6 <sup>th</sup> Ave paid parking and bring it back in February.				
<b>ITEM</b>	<b>OPENED</b>	<b>DUE DATE</b>	<b>CLOSED</b>	<b>REQUESTOR</b>	<b>ASSIGNED TO</b>
Sixth Ave boat ramp improvements	8/17/2022	2/19/2025		Commissioner Runte	Town Manager/ PW Director
<b>DATE</b>	<b>DIRECTION/NOTES</b>				
12/18/2024	Town Manager – coquina has been put down and that has worked to take on the waves and disperse the water. Recommended one more truck load. There is no water for landscaping there.				
6/19/2024	Push to December after hurricane season.				
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				



## JANUARY 2025 TASK LIST

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