



TOWN OF MELBOURNE BEACH

REGULAR TOWN COMMISSION MEETING

DECEMBER 18, 2024

AGENDA PACKET

TABLE OF CONTENTS
AGENDA DECEMBER 18, 2024

MEETING AGENDA – ADDITIONS/DELETIONS/CHANGES – Pages 3-5

CONSENT AGENDA

- A. Approval of the Regular Town Commission Meeting minutes November 20, 2024 – Pages 6-24
- B. Reappointment of Leslie Maloney as a board member on the Environmental Advisory Board – Page 25
- C. Reappointment of Bruce Morgan as a board member on the History Center Board – Page 26
- D. Reappointment of Crystal Cain as a board member on the History Center Board – Page 27

FINANCE/BUDGET REPORT – Pages 28-56

DEPARTMENT AND BOARD/COMMITTEE REPORTS

- A. Public Works Department – Pages 57-59
- B. Building Department – Pages 60-69
- C. Code Enforcement – Pages 70-79
- D. Fire Department – Pages 80-86
- E. Police Department – Pages 87-89
- F. Town Clerk – Page 90

UNFINISHED BUSINESS

- A. Approval of the Regular Town Commission Meeting minutes September 18, 2024 – Pages 91-112
- B. Ordinance 2024-05 Chapter 74 Vacation Rentals – First reading – Pages 113-134
- C. Ordinance 2024-06 Chapter 48 Noise Control – First reading – Pages 135-155

NEW BUSINESS

- A. Consideration on quotes to replace the Old Town Hall History Center roof – Pages 156-163
- B. Resolution 2024-14 Establishing a Charter Review Committee – Pages 164-168
- C. Commissioners present their appointee to the Charter Review Committee – Page 169
- D. Consideration on instituting paid parking at 6th Ave Kayak Launch – Pages 170-173
- E. Consideration on instituting paid parking at the east end of Ocean Ave – Pages 170-173
- F. Consideration on contracts for vacation rental tracking companies – Pages 174-204

ADMINISTRATIVE REPORTS

- A. Town Manager – Page 205

TASK LIST – Page 206

Town of Melbourne Beach

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

PUBLIC NOTICE AGENDA

**The Town Commission will conduct a Regular Town Commission Meeting
on Wednesday, December 18, 2024 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 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
6. **Proclamations/Presentations/Awards**
7. **Finance/Budget Report**
8. **Department and Board/Committee Reports**
 - A. Public Works Department
 - B. Building 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 September 18, 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 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.

- 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.

12. New Business

- A. Consideration on quotes to replace the Old Town Hall History Center roof

- B. Resolution 2024-14 Establishing a Charter Review Committee

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.

- C. Commissioners present their appointee to the Charter Review Committee

- D. Consideration on instituting paid parking at 6th Ave Kayak Launch – Commissioner Tim Reed

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

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

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: December 18, 2024

From: Town Clerk Amber Brown

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

Background Information:

Commissioner Tim Reed requested a couple of amendments to the November 20, 2024 Regular Town Commission Meeting minutes.

The amendments are underlined and in red on pages 4, 5, and 7.

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 16th 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 16th 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 16th 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:

Alison Dennington
Mayor

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: Leslie Maloney ^{cell} Home Phone: 321-432-4346
2. Home Address: 1403 Pine SP, Mel Beach
3. Mobile Phone: E-mail address: maloneyL731@gmail.com
4. Business Name: Business Phone:
5. Resume or Education & Experience: see earlier paperwork
(Use additional sheets if necessary or submit resume)
6. Date of birth: (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
If yes, which board? EAB
12. Please check the board(s) you are interested in serving on:

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

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

Signature: 

Date: 11/26/24



TOWN BOARD VOLUNTEER APPLICATION

Town of Melbourne Beach

507 Ocean Avenue

Melbourne Beach, Florida 32951

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

1. Name: Bruce Morgan Home Phone: ^{cell} 321-609-7635
2. Home Address: 501 Sunset Blvd
3. Mobile Phone: 609-7635 E-mail address: bmorgan93@fl.rr.com
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: retired
(Use additional sheets if necessary or submit resume)
6. Date of birth: 09-22-1954 (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 board
12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input checked="" type="checkbox"/> History Center Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input type="checkbox"/> Code Enforcement Board	<input type="checkbox"/> Planning and Zoning Board
<input 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? life long resident
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: B G Morgan Date: 11-30-2024



TOWN BOARD VOLUNTEER APPLICATION

Town of Melbourne Beach

507 Ocean Avenue

Melbourne Beach, Florida 32951

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

1. Name: Crystal Cain Home Phone: (321) 984-2221
2. Home Address: 309 Suff Rd Mlb Bch
3. Mobile Phone: (321) 698-3533 E-mail address: ccain2@cfl.rr.com
4. Business Name: - Business Phone: -
5. Resume or Education & Experience: Current active History Center Board member.
(Use additional sheets if necessary or submit resume)
6. Date of birth: 1/1/64 (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? YES NO
8. Are you a resident of the town? YES NO
9. Do you reside in the town for at least ten (10) months of each calendar year? YES NO
10. Do you hold a public office? YES NO
11. Do you currently serve on a Town board? YES NO
If yes, which board? History Center Board / EAB
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? Current secretary to this board, past Treasurer, passion for our ^{History Board} museum.
14. Would you consider serving on another board other than the one(s) you have selected above?
 YES NO

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

Signature: Crystal J Cain Date: 11/26/24



Town of Melbourne Beach
Finance Department

Memo

To: Mayor, Vice Mayor and Commissioners
 From: Jennifer Kerr, Finance Manager
 Date: December 11, 2024
 Re: November Fiscal Year 2025

We are in the second month of our fiscal year 2025. The target expenditure rate for November is 16.67%. 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 30.20%. The higher rate is due to the Fire Department paying out its capital items at the beginning of the year. The Departmental expenditure rate breakdown is as follows:

Legislative:	11.34%
Executive:	14.06%
Finance:	14.54%
Legal:	08.40%
Planning:	00.71%
General Services:	20.97%
Law Enforcement:	16.31%
Fire:	38.03%
Code:	02.60%
Public Works:	15.87%
Grounds Keeping:	07.90%

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

General Fund 001 – Transfer Out – 001-00-581.00.00 is over by \$150.51 due to the Mayor donating money from refund checks that were paid to her out of the general, to the Park’s Board, thus increasing the transfer out.

General Fund 001 – Department 16 – Hurricane Expense is over the budgeted amount because we do not budget for hurricane costs. Hurricane costs are paid out of the General Fund and Department 16 is balanced at the end of the Fiscal Year.

General Fund 001 – Department 19 – Waste Tax Services – 001-19-510.43.50 is over by \$1,414.44 due to the increase in property taxes for 505 Ocean Avenue, Melbourne Beach, FL. 32951.

General Fund 001 – Department 21 – Dispatching Services – 001-21-520.34.40 is over by \$290.00 due to the cost of dispatching services the Brevard County Sheriff’s Office charged the Town.

General Fund 001 – Department 22 – Hurricane Pay – 001-22-500.14.16 is over by \$311.65 for the cost to pay Fire personnel during hurricane Milton.



Town of Melbourne Beach Finance Department

General Fund 001 – Department 41 – Hurricane Pay – 001-41-500.14.16 is over by \$1,740.35 for the cost to pay Public Works personnel during hurricane Milton.

Building Fund 125 – Hurricane Pay – 125-24-500.14.16 is over by \$1,471.25 for the cost to pay the Building Official during hurricane Milton.

Building Fund 125 – Health Insurance – 125-24-500.23.01 is over by \$2,007.63 due to the Building Official’s salary and benefits being budgeted out of the Professional Services – 125-24-520.31.00 line item. The amount budgeted in the Professional Services line item will be redistributed to the salary and benefits line items to reflect the actual costs.

Building Fund 125 – Office Supplies – 125-24-520.51.00 is over by \$33.74 due to the cost to purchase calendars, planners, and door hangers for the Building Department.

Ryckman Park Parking Fund 175 – Christmas Decorations – 175-75-575.48.53 is over by \$993.21 due to the purchase of new LED rope Christmas lights with remote.

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

Discussion Items:

The Town received Parking Revenue for November FY2025 in the amount of \$8,629.58.
Parking revenue for November FY2024 was \$7,755.39.

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 11/30/2024

Fund: 001 GENERAL FUND

Account Category: Revenues	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-00-311.00.00	AD VALOREM TAXES	2,830,233.00	0.00	2,239,171.99	20.88
001-00-312.41.00	LOCAL OPTION COUNTY GAS TAX	136,000.00	0.00	136,000.00	0.00
001-00-314.10.00	UTILITY SERVICES TAX FPL	285,000.00	0.00	254,626.71	10.66
001-00-314.30.00	UTILITY SERVICES TAX WATER	60,000.00	0.00	55,563.81	7.39
001-00-314.40.10	UTILTIY GAS TAX AMERIGAS	7,000.00	0.00	6,255.47	10.64
001-00-314.40.20	UTILITY GAS TAX SUBURBAN	1,000.00	0.00	1,000.00	0.00
001-00-314.40.30	UTILTIY GAS TAX FERRELL	3,000.00	0.00	2,391.83	20.27
001-00-314.40.40	UTILITY GAS TAX SAM'S GAS	300.00	0.00	147.03	50.99
001-00-315.00.00	COMMUNICATIONS SERVICE TAX	145,000.00	0.00	145,000.00	0.00
001-00-316.00.00	OCCP. LIC	16,000.00	0.00	5,167.41	67.70
001-00-323.10.00	FRANCHISE FEES FPL	216,000.00	0.00	216,000.00	0.00
001-00-323.70.00	FRANCHISE FEES SOLID WASTE	50,000.00	0.00	36,741.63	26.52
001-00-323.70.10	SOLID WASTE COMMERCIAL	16,000.00	0.00	12,313.49	23.04
001-00-329.20.00	BONFIRE PERMIT	900.00	0.00	500.00	44.44
001-00-329.50.00	LOW SPEED VEHICLE REGISTRATION	2,000.00	0.00	1,400.00	30.00
001-00-329.50.10	LOW SPEED VEHICLE PERMIT FEE	13,000.00	0.00	12,700.00	2.31
001-00-334.40.00	FMIT SAFETY GRANT	5,000.00	0.00	5,000.00	0.00
001-00-335.12.00	STATE REVENUE SHARING PROCEEDS	106,000.00	0.00	88,484.22	16.52
001-00-335.15.00	ALCOHOLIC BEVERAGE LICENSES	44,000.00	0.00	44,000.00	0.00
001-00-335.18.00	HALF CENT SALES TAX LOCAL GOV	230,000.00	0.00	230,000.00	0.00
001-00-342.20.00	SAFETY INSPECT FEE VAC RENTAL	1,650.00	0.00	750.00	54.55
001-00-342.20.10	SAFETY RENEWAL-VAC RENTALS	2,500.00	0.00	1,750.00	30.00
001-00-345.10.00	VAC RENTAL APP FEE-INITIAL	5,500.00	0.00	2,500.00	54.55
001-00-345.10.10	VAC RENEWAL FEE - RENTALS	4,550.00	0.00	3,150.00	30.77
001-00-349.00.29	LIEN SEARCH REQUEST	1,260.00	0.00	735.00	41.67
001-00-361.10.00	INTEREST ON INVESTMENTS	23,000.00	0.00	20,616.68	10.36
001-00-369.00.00	MISCELLANEOUS REVENUE	3,200.00	0.00	3,049.49	4.70
001-00-369.00.49	INSURANCE RECOVERY	100.00	0.00	100.00	0.00
001-00-381.00.00	TRANSFERS IN	3,800.00	0.00	3,800.00	0.00

16.22

Department: 21 LAW ENFORCEMENT	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-21-312.52.00	INSURANCE PREMIUM TAX	52,500.00	0.00	52,500.00	0.00
001-21-337.20.00	SCHOOL RESOURCE OFFICER	72,000.00	0.00	36,000.00	50.00
001-21-337.90.01	OTHER GRANTS	5,000.00	0.00	5,000.00	0.00
001-21-347.90.01	SPECIAL EVENTS	1,000.00	0.00	1,000.00	0.00
001-21-351.00.00	FINES - LAW ENFORCEMENT	5,000.00	0.00	3,045.37	39.09
001-21-351.13.00	PARKING TICKETS	500.00	0.00	500.00	0.00
001-21-351.13.10	ACCIDENT REPORT	200.00	0.00	174.00	13.00
001-21-369.00.00	MISCELLANEOUS REVENUE	0.00	0.00	(7.00)	100.00
					27.89
Department: 22 FIRE CONTROL					
001-22-322.30.00	FIRE PROTECTIVE SERVICES	4,500.00	0.00	3,185.00	29.22
001-22-364.20.00	DISPOSAL OF ASSETS - OTHER	100.00	0.00	100.00	0.00
001-22-369.55.10	SHARED TRAINING	300.00	0.00	300.00	0.00
					26.84
Department: 29 CODE ENFORCEMENT					
001-29-359.00.00	OTHER FINES AND FORFEITURES	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	0.00	100.00	0.00
					0.00
Overall Revenue Rate:					16.59
Account Category: Expenditures					
Department: 00					
001-00-581.00.00	TRANSFER OUT	638,114.28	0.00	(150.51)	100.02
					100.02
Department: 11 LEGISLATIVE					
001-11-500.11.00	EXECUTIVE SALARIES	16,200.00	0.00	13,335.03	17.69
001-11-500.12.00	REGULAR SALARIES	66,274.00	0.00	57,212.02	13.67
001-11-500.21.00	FICA TAXES - EMPLOYER PORTION	6,309.00	0.00	5,461.70	13.43
001-11-500.22.20	RETIREMENT TOWN EMPLOYEES	9,033.00	0.00	7,797.85	13.67
001-11-500.23.01	HEALTH INSURANCE	6,561.00	0.00	4,920.93	25.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-11-500.23.02	LIFE INSURANCE	70.00	0.00	53.11	24.13
001-11-500.25.00	UNEMPLOYMENT COMPENSATION	99.00	0.00	86.85	12.27
001-11-510.31.00	PROFESSIONAL SERVICES	18,300.00	0.00	18,270.00	0.16
001-11-510.40.00	TRAVEL & MEETINGS	4,465.00	0.00	4,465.00	0.00
001-11-510.40.10	TRAVEL & MEETINGS - STAFF	1,900.00	0.00	1,900.00	0.00
001-11-510.47.00	PRINTING	16,000.00	0.00	14,749.61	7.81
001-11-510.48.00	PROMOTIONAL ACTIVITIES	400.00	0.00	330.01	17.50
001-11-510.48.40	LEGAL NOTICES	5,000.00	0.00	5,000.00	0.00
001-11-510.49.50	ELECTION EXPENSE	2,000.00	0.00	2,000.00	0.00
001-11-510.54.00	DUES & SUBSCRIPTIONS	830.00	0.00	360.49	56.57
001-11-510.54.10	TRAINING & SCHOOLS	3,540.00	0.00	3,040.00	14.12
001-11-543.00.00	LICENSES & FEES	40,436.00	0.00	36,038.60	10.87
					11.34
Department: 12 EXECUTIVE					
001-12-500.12.00	REGULAR SALARIES	159,118.00	0.00	137,440.76	13.62
001-12-500.21.00	FICA TAXES - EMPLOYER PORTION	12,173.00	0.00	10,353.55	14.95
001-12-500.22.01	RETIREMENT - ICMA	21,592.00	0.00	19,374.23	10.27
001-12-500.22.20	RETIREMENT TOWN EMPLOYEES	5,445.00	0.00	4,702.32	13.64
001-12-500.23.01	HEALTH INSURANCE	16,212.00	0.00	12,870.84	20.61
001-12-500.23.02	LIFE INSURANCE	916.00	0.00	743.58	18.82
001-12-500.25.00	UNEMPLOYMENT COMPENSATION	191.00	0.00	164.49	13.88
001-12-510.40.00	TRAVEL & MEETINGS	2,200.00	0.00	2,200.00	0.00
001-12-510.49.99	MISCELLANEOUS	400.00	0.00	400.00	0.00
001-12-510.52.50	GAS & OIL	2,400.00	0.00	2,000.00	16.67
001-12-510.54.00	DUES & SUBSCRIPTIONS	3,430.00	0.00	2,178.67	36.48
001-12-510.54.10	TRAINING & SCHOOLS	1,000.00	0.00	1,000.00	0.00
					14.06
Department: 13 FINANCE					
001-13-500.12.00	REGULAR SALARIES	119,630.00	0.00	103,713.87	13.30
001-13-500.21.00	FICA TAXES - EMPLOYER PORTION	9,152.00	0.00	7,909.88	13.57
001-13-500.22.20	RETIREMENT TOWN EMPLOYEES	16,306.00	0.00	14,078.22	13.66
001-13-500.23.01	HEALTH INSURANCE	25,604.00	0.00	19,203.17	25.00
001-13-500.23.02	LIFE INSURANCE	136.00	0.00	102.22	24.84

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-13-500.25.00	UNEMPLOYMENT COMPENSATION	155.00	0.00	135.39	12.65
001-13-510.32.00	AUDITING SERVICES	37,500.00	0.00	32,500.00	13.33
001-13-510.32.90	BANKING FEES	10,540.00	0.00	8,014.65	23.96
001-13-510.40.00	TRAVEL & MEETINGS	1,550.00	0.00	1,550.00	0.00
001-13-510.47.00	PRINTING	216.00	0.00	216.00	0.00
001-13-510.54.00	DUES & SUBSCRIPTIONS	60.00	0.00	60.00	0.00
001-13-510.54.10	TRAINING & SCHOOLS	900.00	0.00	900.00	0.00
001-13-543.00.00	LICENSES & FEES	7,785.00	0.00	7,785.00	0.00
					14.54
Department: 14 LEGAL COUNSEL					
001-14-510.31.00	PROFESSIONAL SERVICES	106,000.00	0.00	95,480.00	9.92
001-14-510.31.01	CODE ENFORCEMENT ATTORNEY	19,200.00	0.00	19,200.00	0.00
					8.40
Department: 15 PLANNING					
001-15-510.31.00	PROFESSIONAL SERVICES	35,000.00	0.00	34,750.00	0.71
					0.71
Department: 16 HURRICANE EXPENSE - FEMA					
001-16-520.51.00	OFFICE SUPPLIES	0.00	0.00	(915.70)	100.00
001-16-520.52.05	PROTECTIVE GEAR	0.00	0.00	(294.23)	100.00
001-16-520.52.20	TOOLS & HARDWARE	0.00	0.00	(90.00)	100.00
001-16-530.46.35	PIER MAINTENANCE	0.00	0.00	(44.52)	100.00
001-16-530.46.40	GROUNDS MAINTENANCE	0.00	0.00	(2,319.85)	100.00
					100.00
Department: 19 GENERAL SERVICES					
001-19-500.24.00	WORKERS COMPENSATION	400.00	0.00	400.00	0.00
001-19-510.31.00	PROFESSIONAL SERVICES	3,920.00	0.00	3,001.25	23.44
001-19-510.31.11	SECURITY	411.00	0.00	411.00	0.00
001-19-510.34.10	JANITORIAL SERVICES	15,500.00	0.00	11,723.00	24.37
001-19-510.41.00	TELEPHONE	24,876.00	0.00	23,244.70	6.56
001-19-510.41.10	COMMUNICATION SERVICES	39,658.00	0.00	29,192.01	26.39
001-19-510.43.00	STREET LIGHTS	51,000.00	0.00	46,801.13	8.23
001-19-510.43.10	ELECTRICITY	28,000.00	0.00	25,248.53	9.83
001-19-510.43.20	WATER & SEWER	4,000.00	0.00	3,696.68	7.58

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-19-510.43.50	WASTE TAX SERVICE	2,500.00	0.00	(1,414.44)	156.58
001-19-510.45.00	GENERAL LIABILITY INSURANCE	91,903.00	0.00	69,700.50	24.16
001-19-510.45.01	FLOOD INSURANCE	6,655.00	0.00	6,655.00	0.00
001-19-510.45.02	PROPERTY INSURANCE	124,200.00	0.00	89,531.25	27.91
001-19-510.45.03	AUTO INSURANCE	11,238.00	0.00	8,488.50	24.47
001-19-510.46.10	OFFICE EQUIPMENT MAINTENANCE	3,588.00	0.00	2,892.42	19.39
001-19-510.46.15	EQUIPMENT MAINTENANCE	20,000.00	0.00	19,738.63	1.31
001-19-510.46.36	PEST CONTROL	3,720.00	0.00	3,100.00	16.67
001-19-510.51.00	OFFICE SUPPLIES	3,500.00	0.00	3,120.51	10.84
001-19-510.51.10	POSTAGE	1,500.00	0.00	1,135.00	24.33
001-19-510.52.10	JANITORIAL SUPPLIES	6,000.00	0.00	5,418.75	9.69
001-19-510.54.00	DUES & SUBSCRIPTIONS	400.00	0.00	400.00	0.00
001-19-510.64.01	CAPITAL OUTLAY	30,000.00	0.00	28,370.79	5.43
001-19-543.00.00	LICENSES & FEES	22,277.00	0.00	16,473.99	26.05
001-19-581.00.00	TRANSFER OUT	7,500.00	0.00	0.00	100.00
					20.97

Department: 21 LAW ENFORCEMENT

001-21-500.12.00	REGULAR SALARIES	739,793.00	0.00	637,406.70	13.84
001-21-500.12.50	HOLIDAY PAY	29,634.00	0.00	29,634.00	0.00
001-21-500.14.00	SALARIES OVERTIME	5,000.00	0.00	2,343.52	53.13
001-21-500.14.16	HURRICANE PAY	32,328.00	0.00	11,693.36	63.83
001-21-500.15.00	EDUCATION INCENTIVE PAY	7,150.00	0.00	5,880.71	17.75
001-21-500.15.01	FIRST RESPONDER	6,000.00	0.00	4,992.86	16.79
001-21-500.21.00	FICA TAXES - EMPLOYER PORTION	62,723.00	0.00	53,232.93	15.13
001-21-500.22.02	POLICE PENSION	167,850.00	0.00	167,850.00	0.00
001-21-500.22.20	RETIREMENT TOWN EMPLOYEES	5,443.00	0.00	5,092.07	6.45
001-21-500.23.01	HEALTH INSURANCE	116,155.00	0.00	88,290.28	23.99
001-21-500.23.02	LIFE INSURANCE	2,766.00	0.00	2,113.84	23.58
001-21-500.23.10	STATUTORY AD&D	1,163.00	0.00	1,163.00	0.00
001-21-500.24.00	WORKERS COMPENSATION	9,398.00	0.00	9,398.00	0.00
001-21-500.25.00	UNEMPLOYMENT COMPENSATION	984.00	0.00	833.25	15.32
001-21-520.31.00	PROFESSIONAL SERVICES	125.00	0.00	25.00	80.00
001-21-520.34.40	DISPATCHING SERVICES	19,510.00	0.00	(290.00)	101.49

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-21-520.35.00	PRE-EMPLOYMENT EXPENSE	1,200.00	0.00	1,200.00	0.00
001-21-520.40.00	TRAVEL & MEETINGS	1,892.00	0.00	1,892.00	0.00
001-21-520.41.10	COMMUNICATION SERVICES	6,972.00	0.00	4,543.23	34.84
001-21-520.46.10	OFFICE EQUIPMENT MAINTENANCE	200.00	0.00	200.00	0.00
001-21-520.46.15	EQUIPMENT	11,260.00	0.00	10,834.01	3.78
001-21-520.46.16	RADAR CALIBRATION	550.00	0.00	387.50	29.55
001-21-520.46.20	VEHICLE MAINTENANCE	17,000.00	0.00	14,141.82	16.81
001-21-520.48.00	PROMOTIONAL ACTIVITIES	800.00	0.00	516.71	35.41
001-21-520.48.50	CRIME PREVENTION	500.00	0.00	500.00	0.00
001-21-520.52.00	UNIFORMS	8,500.00	0.00	7,749.16	8.83
001-21-520.52.05	PROTECTIVE GEAR	13,531.00	0.00	7,705.10	43.06
001-21-520.52.50	GAS & OIL	20,000.00	0.00	17,938.48	10.31
001-21-520.52.70	MEDICAL	1,014.00	0.00	886.55	12.57
001-21-520.52.90	OPERATING SUPPLIES	3,000.00	0.00	2,654.99	11.50
001-21-520.54.00	DUES & SUBSCRIPTIONS	695.00	0.00	485.00	30.22
001-21-520.54.10	TRAINING & SCHOOLS	2,900.00	0.00	2,500.00	13.79
001-21-520.64.01	Capital Outlay	30,121.00	27,379.15	2,741.85	90.90
001-21-543.00.00	LICENSES & FEES	45,580.00	0.00	24,146.26	47.02
					16.31

Department: 22 FIRE CONTROL

001-22-500.12.00	REGULAR SALARIES	101,038.00	0.00	87,501.21	13.40
001-22-500.14.16	HURRICANE PAY	1,890.00	0.00	(311.65)	116.49
001-22-500.14.50	STIPEND PAYROLL	38,000.00	0.00	38,000.00	0.00
001-22-500.21.00	FICA TAXES - EMPLOYER PORTION	10,636.00	0.00	9,431.90	11.32
001-22-500.22.01	RETIREMENT - ICMA	9,753.00	0.00	8,163.92	16.29
001-22-500.22.20	RETIREMENT TOWN EMPLOYEES	4,019.00	0.00	3,462.94	13.84
001-22-500.23.01	HEALTH INSURANCE	36,795.00	0.00	29,536.98	19.73
001-22-500.23.02	LIFE INSURANCE	136.00	0.00	102.22	24.84
001-22-500.23.10	STATUTORY AD&D	380.00	0.00	380.00	0.00
001-22-500.24.00	WORKERS COMPENSATION	9,000.00	0.00	9,000.00	0.00
001-22-500.25.00	UNEMPLOYMENT COMPENSATION	161.00	0.00	142.13	11.72
001-22-520.31.00	PROFESSIONAL SERVICES	1,000.00	0.00	1,000.00	0.00
001-22-520.34.40	DISPATCHING SERVICES	5,670.00	0.00	5,670.00	0.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-22-520.35.00	PRE-EMPLOYMENT EXPENSE	744.00	0.00	699.00	6.05
001-22-520.36.00	ANNUAL PHYSICALS	2,500.00	0.00	2,400.00	4.00
001-22-520.40.00	TRAVEL & MEETINGS	1,000.00	0.00	1,000.00	0.00
001-22-520.41.10	COMMUNICATION SERVICES	1,944.00	0.00	1,458.00	25.00
001-22-520.46.15	EQUIPMENT	10,000.00	0.00	9,884.15	1.16
001-22-520.46.20	VEHICLE MAINTENANCE	28,000.00	0.00	27,654.76	1.23
001-22-520.46.30	BUILDING MAINTENANCE	2,000.00	0.00	2,000.00	0.00
001-22-520.51.00	OFFICE SUPPLIES	600.00	0.00	595.61	0.73
001-22-520.52.00	UNIFORMS	5,000.00	0.00	3,678.25	26.44
001-22-520.52.02	S.C.B.A.	4,000.00	0.00	1,238.36	69.04
001-22-520.52.05	PROTECTIVE GEAR	3,200.00	0.00	3,200.00	0.00
001-22-520.52.10	JANITORIAL SUPPLIES	1,000.00	0.00	925.01	7.50
001-22-520.52.20	TOOLS & HARDWARE	3,000.00	0.00	3,000.00	0.00
001-22-520.52.50	GAS & OIL	3,200.00	0.00	3,034.43	5.17
001-22-520.52.70	MEDICAL	1,400.00	0.00	1,400.00	0.00
001-22-520.54.00	DUES & SUBSCRIPTIONS	610.00	0.00	610.00	0.00
001-22-520.54.10	TRAINING & SCHOOLS	5,525.00	0.00	4,445.00	19.55
001-22-520.54.12	TRAINING MATERIALS	2,000.00	0.00	1,940.12	2.99
001-22-520.64.01	Capital Outlay	82,369.00	0.00	2,909.98	96.47
001-22-543.00.00	LICENSES & FEES	24,983.00	0.00	6,362.49	74.53
001-22-581.00.00	TRANSFER OUT	35,000.00	0.00	0.00	100.00
					38.03

Department: 29 CODE ENFORCEMENT

001-29-500.12.00	REGULAR SALARIES	39,520.00	0.00	38,447.18	2.71
001-29-500.21.00	FICA TAXES - EMPLOYER PORTION	3,023.00	0.00	2,845.30	5.88
001-29-500.22.20	RETIREMENT TOWN EMPLOYEES	5,363.00	0.00	5,114.56	4.63
001-29-500.23.10	STATUTORY AD&D	42.00	0.00	42.00	0.00
001-29-500.24.00	WORKERS COMPENSATION	300.00	0.00	300.00	0.00
001-29-500.25.00	UNEMPLOYMENT COMPENSATION	126.00	0.00	123.22	2.21
001-29-520.40.00	TRAVEL & MEETINGS	125.00	0.00	125.00	0.00
001-29-520.46.20	VEHICLE MAINTENANCE	150.00	0.00	150.00	0.00
001-29-520.48.55	FIRE PREVENTION	4,900.00	0.00	3,650.00	25.51
001-29-520.51.10	POSTAGE	450.00	0.00	450.00	0.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-29-520.51.20	RECORDING COSTS	250.00	0.00	250.00	0.00
001-29-520.52.00	UNIFORMS	300.00	0.00	300.00	0.00
001-29-520.54.00	DUES & SUBSCRIPTIONS	150.00	0.00	150.00	0.00
001-29-520.54.10	TRAINING & SCHOOLS	300.00	0.00	300.00	0.00
001-29-520.64.01	Capital Outlay	50,000.00	0.00	50,000.00	0.00
001-29-543.00.00	LICENSES & FEES	1,000.00	0.00	1,000.00	0.00
					2.60
Department: 41 PUBLIC WORKS					
001-41-500.12.00	REGULAR SALARIES	230,932.00	0.00	199,615.44	13.56
001-41-500.14.00	SALARIES OVERTIME	1,500.00	0.00	1,500.00	0.00
001-41-500.14.16	HURRICANE PAY	0.00	0.00	(1,740.35)	100.00
001-41-500.21.00	FICA TAXES - EMPLOYER PORTION	17,666.30	0.00	15,099.77	14.53
001-41-500.22.20	RETIREMENT TOWN EMPLOYEES	31,476.03	0.00	27,071.24	13.99
001-41-500.23.01	HEALTH INSURANCE	38,510.00	0.00	29,182.76	24.22
001-41-500.23.02	LIFE INSURANCE	534.00	0.00	466.16	12.70
001-41-500.23.10	STATUTORY AD&D	83.00	0.00	83.00	0.00
001-41-500.24.00	WORKERS COMPENSATION	19,796.00	0.00	9,900.25	49.99
001-41-500.25.00	UNEMPLOYMENT COMPENSATION	277.12	0.00	237.99	14.12
001-41-530.43.15	ELECTRICAL WORK	8,000.00	0.00	8,000.00	0.00
001-41-530.43.50	DUMP SERVICE	160.00	0.00	160.00	0.00
001-41-530.46.12	MAINTENANCE SUPPLIES	1,500.00	0.00	1,454.04	3.06
001-41-530.46.15	EQUIPMENT MAINTENANCE	5,000.00	0.00	5,000.00	0.00
001-41-530.46.20	VEHICLE MAINTENANCE	13,000.00	0.00	10,246.81	21.18
001-41-530.46.30	BUILDING MAINTENANCE	13,000.00	0.00	12,029.10	7.47
001-41-530.46.31	MAINTENANCE OLD TOWN HALL	500.00	0.00	500.00	0.00
001-41-530.46.32	RYCKMAN HOUSE	300.00	0.00	300.00	0.00
001-41-530.46.33	OLD POST OFFICE REPAIRS	300.00	0.00	300.00	0.00
001-41-530.46.35	PIER MAINTENANCE	300.00	0.00	300.00	0.00
001-41-530.46.40	GROUNDS MAINTENANCE	6,500.00	0.00	6,228.08	4.18
001-41-530.46.43	TREE EXPENSE	2,709.00	0.00	2,709.00	0.00
001-41-530.52.00	UNIFORMS	1,875.00	0.00	1,493.96	20.32
001-41-530.52.05	PROTECTIVE GEAR	1,000.00	0.00	532.54	46.75
001-41-530.52.20	TOOLS & HARDWARE	5,500.00	0.00	3,184.66	42.10

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
001-41-530.52.25	TOOL RENTALS	1,000.00	0.00	1,000.00	0.00
001-41-530.52.50	GAS & OIL	7,500.00	0.00	7,254.80	3.27
001-41-530.53.10	STREET REPAIR	9,000.00	0.00	8,978.41	0.24
001-41-530.53.20	STREET SIGNS	3,800.00	0.00	3,008.20	20.84
001-41-530.54.10	TRAINING & SCHOOLS	500.00	0.00	500.00	0.00
001-41-530.64.01	CAPITAL OUTLAY	4,000.00	0.00	4,000.00	0.00
					15.87

Department: 42 GROUNDS KEEPING

001-42-530.34.91	LANDSCAPING	15,000.00	0.00	15,000.00	0.00
001-42-530.46.15	EQUIPMENT MAINTENANCE	3,700.00	0.00	3,506.98	5.22
001-42-530.46.40	GROUNDS MAINTENANCE	15,000.00	0.00	12,423.24	17.18
001-42-530.52.05	PROTECTIVE GEAR	200.00	0.00	200.00	0.00
001-42-530.52.20	TOOLS & HARDWARE	1,200.00	0.00	1,094.07	8.83
001-42-530.52.50	GAS & OIL	1,200.00	0.00	871.17	27.40
001-42-530.64.01	CAPITAL OUTLAY	4,250.00	0.00	4,250.00	0.00
					7.90

Overall Expenditure Rate:

30.20

Fund: 104 ENVIRONMENTAL ADVISORY BOAR

Account Category: Revenues

Department: 00

104-00-271.00.99	CARRY FORWARD	12,841.27	0.00	0.00	100.00
104-00-381.00.00	TRANSFERS IN	3,000.00	0.00	0.00	100.00
					100.00

Account Category: Expenditures

Department: 72 PARKS & RECREATION

104-72-570.46.40	GROUNDS MAINTENANCE	500.00	0.00	500.00	0.00
104-72-570.46.43	TREE EXPENSE	500.00	0.00	500.00	0.00
104-72-570.49.90	ADOPT AN AREA	500.00	0.00	500.00	0.00
104-72-570.51.00	OFFICE SUPPLIES	350.00	0.00	350.00	0.00
104-72-570.52.00	UNIFORMS	80.00	0.00	80.00	0.00
104-72-570.64.01	CAPITAL OUTLAY	1,200.00	0.00	1,200.00	0.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
104-72-570.83.01	SUNSHINE JIM	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	0.00	6,500.00	0.00
107-00-381.00.00	TRANSFERS IN	1,500.00	0.00	(150.51)	110.03
					20.63
Account Category: Expenditures					
Department: 72 PARKS & RECREATION					
107-72-570.48.60	EASTER EGG HUNT	430.00	0.00	430.00	0.00
107-72-570.48.90	RECREATION PROGRAMS	2,000.00	0.00	1,877.52	6.12
107-72-570.48.91	KID'S BUSINESS FAIR	6,000.00	0.00	6,000.00	0.00
					1.45
Fund: 125 BUILDING DEPT					
Account Category: Revenues					
Department: 00					
125-00-381.00.00	TRANSFERS IN	22,000.00	0.00	0.00	100.00
					100.00
Department: 24 PROTECTIVE INSPECTIONS					
125-24-322.00.00	BUILDING PERMITS	187,150.00	0.00	153,394.99	18.04
125-24-322.00.01	PERMIT SEARCH REQUEST	0.00	0.00	(150.00)	100.00
125-24-322.10.00	ZONING PLAN REVIEW	5,000.00	0.00	5,000.00	0.00
125-24-322.10.10	SITE PLAN REVIEW P&Z	7,020.00	0.00	7,020.00	0.00
125-24-322.20.00	BUILDING PLAN REVIEW	6,500.00	0.00	6,500.00	0.00
125-24-322.31.00	BOA ADVERTISING COSTS	450.00	0.00	450.00	0.00
125-24-329.00.00	OTHER LICENSES, FEES & PERMITS	11,500.00	0.00	9,375.00	18.48
125-24-329.00.10	BOA VARIANCE FEES	5,000.00	0.00	5,000.00	0.00
125-24-354.00.00	LOCAL ORDINANCE VIOLATION	6,000.00	0.00	1,804.00	69.93
125-24-369.00.00	MISCELLANEOUS REVENUE	100.00	0.00	100.00	0.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
125-24-381.00.00	TRANSFERS IN	22,000.00	0.00	0.00	100.00
					24.82
Account Category: Expenditures					
125-24-500.12.00	REGULAR SALARIES	47,624.00	0.00	25,521.28	46.41
125-24-500.14.00	SALARIES OVERTIME	500.00	0.00	500.00	0.00
125-24-500.14.16	HURRICANE PAY	0.00	0.00	(1,471.25)	100.00
125-24-500.21.00	FICA TAXES - EMPLOYER PORTION	3,681.49	0.00	1,891.95	48.61
125-24-500.22.20	RETIREMENT TOWN EMPLOYEES	6,559.30	0.00	3,346.17	48.99
125-24-500.23.01	HEALTH INSURANCE	1,005.00	0.00	(2,007.63)	299.76
125-24-500.23.02	LIFE INSURANCE	112.00	0.00	84.13	24.88
125-24-500.23.10	STATUTORY AD&D	42.00	0.00	42.00	0.00
125-24-500.25.00	UNEMPLOYMENT COMPENSATION	57.15	0.00	28.86	49.50
125-24-520.31.00	PROFESSIONAL SERVICES	180,960.00	0.00	180,960.00	0.00
125-24-520.41.10	COMMUNICATION SERVICES	390.00	0.00	260.00	33.33
125-24-520.46.20	VEHICLE MAINTENANCE	500.00	0.00	500.00	0.00
125-24-520.51.00	OFFICE SUPPLIES	75.00	0.00	(33.74)	144.99
125-24-520.51.10	POSTAGE	25.00	0.00	25.00	0.00
125-24-520.52.00	UNIFORMS	150.00	0.00	150.00	0.00
125-24-520.52.20	TOOLS & HARDWARE	100.00	0.00	100.00	0.00
125-24-520.52.50	GAS & OIL	350.00	0.00	311.34	11.05
125-24-520.54.00	DUES & SUBSCRIPTIONS	1,500.00	0.00	1,475.00	1.67
125-24-543.00.00	LICENSES & FEES	3,824.00	0.00	3,824.00	0.00
					12.91
Fund: 172 OCEAN PARK PARKING FUND					
Account Category: Revenues					
Department: 00					
172-00-271.00.99	CARRY FORWARD	92,614.95	0.00	0.00	100.00
					100.00
Department: 75 TOWN PARKS					
172-75-342.10.00	PARKING TICKET REVENUE	7,500.00	0.00	7,325.00	2.33
172-75-344.50.00	PARKING METER REVENUE	82,000.00	0.00	72,983.06	11.00
					10.27

Account Category: Expenditures	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
172-75-500.12.00	REGULAR SALARIES	50,000.00	0.00	50,000.00	0.00
172-75-500.12.50	HOLIDAY PAY	2,308.00	0.00	2,308.00	0.00
172-75-500.14.16	HURRICANE PAY	1,730.00	0.00	1,730.00	0.00
172-75-500.15.01	FIRST RESPONDER	600.00	0.00	600.00	0.00
172-75-500.21.00	FICA TAXES - EMPLOYER PORTION	3,825.00	0.00	3,825.00	0.00
172-75-500.23.01	HEALTH INSURANCE	7,164.00	0.00	7,164.00	0.00
172-75-500.23.02	LIFE INSURANCE	264.00	0.00	264.00	0.00
172-75-500.23.10	STATUTORY AD&D	106.00	0.00	106.00	0.00
172-75-500.24.00	WORKERS COMPENSATION	854.00	0.00	854.00	0.00
172-75-500.25.00	UNEMPLOYMENT COMPENSATION	67.00	0.00	67.00	0.00
172-75-575.32.90	BANKING FEES	5,000.00	0.00	4,426.23	11.48
172-75-575.34.10	JANITORIAL CLEANING	1,800.00	0.00	1,350.00	25.00
172-75-575.34.91	LANDSCAPING	800.00	0.00	800.00	0.00
172-75-575.41.10	IPS COMMUNICATIONS FEE	4,300.00	0.00	3,503.41	18.53
172-75-575.43.10	ELECTRICITY	2,400.00	0.00	2,189.86	8.76
172-75-575.43.20	WATER & SEWER	1,200.00	0.00	1,069.11	10.91
172-75-575.46.12	MAINTENANCE SUPPLIES	3,000.00	0.00	3,000.00	0.00
172-75-575.46.31	BUILDING MAINT RESTROOMS	950.00	0.00	939.12	1.15
172-75-575.46.40	GROUNDS MAINTENANCE	500.00	0.00	500.00	0.00
172-75-575.52.10	JANITORIAL SUPPLIES	350.00	0.00	98.93	71.73
172-75-575.52.25	TOOL RENTAL	356.00	0.00	356.00	0.00
172-75-575.53.15	PARKING LOT REPAIRS	300.00	0.00	300.00	0.00
172-75-575.53.20	SIGNS	300.00	0.00	300.00	0.00
172-75-575.63.03	VOLLEYBALL COURT	500.00	0.00	500.00	0.00
172-75-575.63.05	BOCCE BALL COURT	300.00	0.00	300.00	0.00
					2.72

Fund: 175 RYCKMAN CROSSOVER PARKING FU

Account Category: Revenues

Department: 00

175-00-271.00.99	CARRY FORWARD	51,729.86	0.00	0.00	100.00
					100.00

Department: 75 TOWN PARKS	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
175-75-342.10.00	PARKING TICKET REVENUE	7,000.00	0.00	7,000.00	0.00
175-75-344.50.00	PARKING METER REVENUE	80,000.00	0.00	71,925.30	10.09
175-75-344.50.10	PARK PASS REVENUE	2,900.00	0.00	2,900.00	0.00
175-75-347.41.00	FOUNDER'S DAY	8,000.00	0.00	8,000.00	0.00
175-75-347.50.00	FACILITY RENTALS	5,000.00	0.00	710.00	85.80
175-75-347.90.01	SPECIAL EVENTS	0.00	0.00	(75.00)	100.00
					12.09
Account Category: Expenditures					
175-75-575.32.90	BANKING FEES	2,800.00	0.00	2,417.48	13.66
175-75-575.41.15	IPS COMMUNICATION FEE	2,400.00	0.00	1,868.95	22.13
175-75-575.47.00	PRINTING	1,500.00	0.00	1,500.00	0.00
175-75-575.48.10	FOUNDERS DAY	8,000.00	0.00	8,000.00	0.00
175-75-575.48.50	MOVIES IN THE PARK	1,350.00	0.00	860.00	36.30
175-75-575.48.51	FOURTH OF JULY	1,000.00	0.00	1,000.00	0.00
175-75-575.48.52	FALL FESTIVAL	4,000.00	0.00	2,053.24	48.67
175-75-575.48.53	CHRISTMAS DECORATIONS	4,500.00	0.00	(993.21)	122.07
175-75-575.50.00	RECREATION PROGRAMS	9,350.00	0.00	8,825.00	5.61
175-75-575.63.01	TENNIS COURT	250.00	0.00	250.00	0.00
175-75-575.63.02	BASKETBALL COURT	200.00	0.00	200.00	0.00
175-75-575.63.06	PLAYGROUND EQUIPMENT	5,000.00	0.00	4,990.04	0.20
175-75-575.73.00	CULTURAL SERVICES	500.00	0.00	500.00	0.00
175-75-581.00.00	TRANSFER OUT	44,500.00	0.00	0.00	100.00
					63.13
Fund: 351 LAND & ROAD IMPROVEMENTS					
Account Category: Revenues					
Department: 00					
351-00-271.00.99	CARRY FORWARD	44,181.27	0.00	0.00	100.00
351-00-381.00.00	TRANSFERS IN	40,000.00	0.00	0.00	100.00
					100.00
Account Category: Expenditures					
Department: 41 PUBLIC WORKS					
351-41-570.34.91	LANDSCAPING	3,000.00	0.00	3,000.00	0.00

	Description	ORIGINAL BUDGET	Encumbrance	Available	% Used
351-41-570.46.40	GROUNDS MAINTENANCE	2,500.00	0.00	2,500.00	0.00
351-41-570.53.20	STREET SIGNS	30,000.00	0.00	29,639.55	1.20
351-41-570.64.01	CAPITAL OUTLAY	17,500.00	0.00	17,500.00	0.00
					0.68

Parking Revenue FY Comparison

FY24	Oct-23	Nov-23	May-24	Jun-24	Jul-24	Aug-24	Sep-24	TOTAL
Ocean	4,323.54	3,669.99						7,993.53
Ryckman	5,616.47	4,085.40						9,701.87
Total	9,940.01	7,755.39	0.00	0.00	0.00	0.00	0.00	17,695.40

FY25	Oct-24	Nov-24	May-25	Jun-25	Jul-25	Aug-25	Sep-25	TOTAL
Ocean	5,743.63	2,900.74						8,644.37
Ryckman	2,097.48	5,728.84						7,826.32
Total	7,841.11	8,629.58	0.00	0.00	0.00	0.00	0.00	16,470.69



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 #: 24059
Date: 11-30-2024

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

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

Services

Date	Atty	Description	Quantity	Rate	Total
11-01-24	RGK	Phone conference with Jennifer Kerr and Mitchell Herring Re Comp Time	0.50	200.00	\$100.00
11-19-24	RGK	Email Correspondence: RE: Outstanding Checks	0.10	200.00	\$20.00

Services Subtotal: \$120.00

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

Trust Account Balance \$0.00

Total Matter Balance \$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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INVOICE

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

Invoice #: 24060
Date: 11-30-2024

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

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

Services

Date	Atty	Description	Quantity	Rate	Total
11-05-24	RGK	Email and phone conference with Chief Zander Re updating Emergency Management Plan	0.20	200.00	\$40.00

Services Subtotal: \$40.00

Subtotal	\$40.00
Total	\$40.00
Payment	\$0.00
Balance Owing	\$40.00

Trust Account Balance \$0.00

Total Matter Balance \$40.00

Tax ID #32-0242557

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ATTORNEYS & COUNSELORS AT LAW

INVOICE

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

Invoice #: 24061
Date: 11-30-2024

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
11-14-24	RGK	Email Correspondence: Email from Elizabeth Mascaro RE: history records	0.10	200.00	\$20.00
11-14-24	RGK	Phone conference with Elizabeth Mascaro Re Noise Ordinance and Records	0.30	200.00	\$60.00
11-26-24	RGK	Phone conference with Elizabeth Mascaro Re Sunshine Law and emails/requests to forward emails	0.20	200.00	\$40.00

Services Subtotal: \$120.00

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

Trust Account Balance \$0.00

Total Matter Balance \$120.00

Tax ID #32-0242557

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INVOICE

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

Invoice #: 24073
Date: 11-30-2024

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

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

Services

Date	Atty	Description	Quantity	Rate	Total
11-04-24	RGK	Phone conference with Elizabeth Mascaro Re code enforcement and candidate endorsement questions	0.30	200.00	\$60.00
11-07-24	RGK	Email Correspondence: Emails with Amber Brown RE: Draft Ordinances and STR Workshop	0.20	200.00	\$40.00
11-07-24	RGK	Email Correspondence: Emails with Amber Brown RE: Invoice: 240013 - Town of Melbourne Beach - General and Records Request from Mayor	0.20	200.00	\$40.00
11-07-24	RGK	Phone conference with Elizabeth Mascaro Re Commission workshop	0.20	200.00	\$40.00
11-07-24	RGK	Email Correspondence: Emails with Amber Brown RE: Draft Ordinances	0.20	200.00	\$40.00
11-08-24	RGK	Email Correspondence: Emails with Mayor Denninton Re: Cocoa's beach misleading advertising ordinance on STR - first read	0.20	200.00	\$40.00
11-08-24	RGK	Review Cocoa Beach Ordinance 1694 Re STR misleading advertising	0.50	200.00	\$100.00
11-13-24	RGK	Email Correspondence: Emails with Mayor Dennington, Amber Brown, and Elizabeth Mascaro FW: Invoice: 240013 - Town of Melbourne Beach - General	0.20	200.00	\$40.00

11-13-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: Sunshine Law and applicability to candidate-elects	0.10	200.00	\$20.00
11-14-24	RGK	Review recordings of Planning and Zoning meetings on 1/10/13, 2/5/13, and 4/11/13 Re changes to LDC definitions and definition of dwelling unit	2.30	200.00	\$460.00
11-14-24	RGK	Review recording of Joint Commission/Planning and Zoning meeting on 1/20/14 Re changes to LDC and definitions	2.00	200.00	\$400.00
11-15-24	RGK	Phone conference with Amber Brown Re Agenda Items	0.30	200.00	\$60.00
11-15-24	RGK	Email Correspondence: Email from Amber Brown Re Town Manager's Contract	0.10	200.00	\$20.00
11-15-24	RGK	Phone conference with Amber Brown Re agenda items relating to STRs and Noise Ordinance	0.60	200.00	\$120.00
11-18-24	RGK	Review agenda items and attachments for regular Commission meeting on 11/20	1.80	200.00	\$360.00
11-19-24	RGK	Phone conference with Elizabeth Mascaro Re budget resolutions on 11/20 agenda	0.10	200.00	\$20.00
11-19-24	RGK	Email Correspondence: Email from Mayor Dennington Re Agenda documents - 11/202/2024 - missing	0.10	200.00	\$20.00
11-19-24	RGK	Email Correspondence: Email from Elizabeth Mascaro RE: Agenda documents - 11/202/2024 - missing	0.10	200.00	\$20.00
11-19-24	RGK	Email Correspondence: Email from Mayor Dennington Re: Agenda documents - 11/202/2024 - missing	0.10	200.00	\$20.00
11-19-24	RGK	Prepare for and attend commission meeting	6.40	200.00	\$1,280.00
11-20-24	RGK	Email Correspondence: Emails from Elizabeth Mascaro and Jennifer Kerr FW: Meeting with Mayor	0.20	200.00	\$40.00
11-20-24	RGK	Email Correspondence: Email chain from Mayor Dennington Fw: **Vacation rental ordinance concern**	0.20	200.00	\$40.00
11-20-24	RGK	Email Correspondence: Email to Mayor Dennington RE: **Vacation rental ordinance concern** - Maximum allowable vehicles	0.20	200.00	\$40.00
11-20-24	RGK	Phone conference with Amber Brown Re agenda items and emails to Commissioners	0.20	200.00	\$40.00
11-21-24	RGK	Research Fla. Stat. 287.055 Re CCNA contracts for professional services	0.60	200.00	\$120.00
11-21-24	RGK	Draft email to Commissioners Re Town Resolution regarding public meeting procedures and public comments	0.40	200.00	\$80.00

11-25-24	RGK	Research and prepare documentation for STR workshop Re fire safety, life safety, impact fees, and noise enforcement	2.10	200.00	\$420.00
11-25-24	RGK	Email Correspondence: Emails with Elizabeth Mascaro and Commissionr Reed RE: Two Items from Wed RTC Mtg	0.20	200.00	\$40.00
11-25-24	RGK	Review Brevard County's noise ordinance Re sound measurement devices and plainly audible standard	0.20	200.00	\$40.00
11-25-24	RGK	Email Correspondence: Emails with Elizabeth Mascaro RE: Brevard County noise ordinance	0.20	200.00	\$40.00
11-25-24	RGK	Phone conference with Elizabeth Mascaro re history center records, STR ordinance, and noise ordinance	0.50	200.00	\$100.00
11-25-24	RGK	Draft Resolution creating charter review committee	1.30	200.00	\$260.00
11-25-24	RGK	Email Correspondence: Emails with Mayor Dennington and Elizabeth Mascaro RE: Mixed Boxes of town records in town hall locked up storage	0.30	200.00	\$60.00
11-25-24	RGK	Phone conference with Amber Brown Re boat storage ordinance	0.10	200.00	\$20.00
11-26-24	RGK	Research preemption of regulation of STR with respect to allowable fees charged by Town, building fees, and impact fees	1.90	200.00	\$380.00

Services Subtotal: \$4,920.00

Expenses

11-19-24	ER	RGK Travel Mileage: 10/23/24 Melbourne	1.00	111.22	\$111.22
11-26-24	ER	RGK Travel Mileage- 11/20/24 Melbourne Bch	1.00	122.11	\$122.11

Expenses Subtotal: \$233.33

Subtotal	\$5,153.33
Total	\$5,153.33
Payment	\$0.00
Balance Owing	\$5,153.33

Trust Account Balance \$0.00

Total Matter Balance \$10,473.33

Tax ID #32-0242557

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

Invoice #: 24074
Date: 11-30-2024

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

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

Services

Date	Atty	Description	Quantity	Rate	Total
11-12-24	RGK	Email Correspondence: Emails with Elizabeth Mascaro RE: 207 Flamingo Lane	0.20	200.00	\$40.00
11-19-24	RGK	Review Indian Lighthouse Point, and Ponce Inlet building height requirements and measurements used Re Town LDC maximum height requirement for existing grade	0.50	200.00	\$100.00
11-19-24	RGK	Email Correspondence: Email to Corey O'Gorman Re Town of Melbourne Beach - Building Height Question	0.10	200.00	\$20.00
11-19-24	RGK	Phone conference with Corey O'Gorman Re LDC Section 7A-55	0.20	200.00	\$40.00
11-21-24	RGK	Research Town Code and requirements for flood zone building height measurement and maximum allowable height	0.80	200.00	\$160.00
11-22-24	RGK	Email Correspondence: Emails with Corey O'Gorman RE: Town of Melbourne Beach - Building Height Question	0.30	200.00	\$60.00
11-22-24	RGK	Email Correspondence: Email to Elizabeth Mascaro FW: Town of Melbourne Beach - Building Height Question	0.20	200.00	\$40.00

Services Subtotal: \$460.00

Subtotal	\$460.00
Total	\$460.00
Payment	\$0.00
Balance Owing	\$460.00

Trust Account Balance \$0.00

Total Matter Balance \$460.00

Tax ID #32-0242557

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

Invoice #: 24075
Date: 11-30-2024

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
11-01-24	RGK	Phone conference with Brock McGruder Re Town Charter and Commission Vacancies	0.30	200.00	\$60.00
11-07-24	RGK	Phone conference with Mayor Dennington Re charter review discussion	0.30	200.00	\$60.00
11-08-24	RGK	Emails with Mayor Dennington Re proposed Cocoa Beach STR ordinance	0.10	200.00	\$20.00
11-11-24	RGK	Email Correspondence: Emails with Mayor Dennington Re: Commissioner elect meetings	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Email to Commissioner Butler RE: Commissioner Elect and Sunshine Law	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Email to Amber Brown and Elizabeth Mascaro Re New Commission Members	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Email from Amber Brown RE: New Commission Members	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Email to Commissioner-Elect Anna Butler Re Florida Sunshine Law	0.20	200.00	\$40.00

11-13-24	RGK	Email Correspondence: Email to Commissioner-Elect Tim Reed Re Commissioner Elect and Sunshine Law	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Emails with Commissioner Butler RE: Commissioner Elect and Sunshine Law	0.10	200.00	\$20.00
11-13-24	RGK	Email Correspondence: Email to Commissioner Reed RE: Commissioner Elect and Sunshine Law	0.10	200.00	\$20.00
11-15-24	RGK	Email Correspondence: Email from Elizabeth Mascaro and Mayor Dennington Re: history records	0.20	200.00	\$40.00
11-15-24	RGK	Email Correspondence: Email to Mayor Dennington RE: history records	0.10	200.00	\$20.00
11-15-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: history records	0.10	200.00	\$20.00
11-19-24	RGK	Phone conference with Mayor Dennington Re agenda items for 11/20 meeting	0.70	200.00	\$140.00
11-20-24	RGK	Email Correspondence: Email to Mayor Dennington RE: Budget Amendment Resolution	0.20	200.00	\$40.00
11-20-24	RGK	Email Correspondence: Email from Mayor Dennington Re Special meetings request - calling - I'm calling 2	0.10	200.00	\$20.00
11-20-24	RGK	Email Correspondence: Email from Mayor Dennington Fw: Meeting with Mayor and forwarding email exchanges	0.10	200.00	\$20.00
11-20-24	RGK	Email Correspondence: Email from Mayor Dennington Fw: Meeting with Mayor and budget resolution numbers	0.10	200.00	\$20.00
11-20-24	RGK	Email Correspondence: Email from Mayor Dennington Fw: Appointment to ask Qs on budget amendments	0.10	200.00	\$20.00
11-21-24	RGK	Email Correspondence: Email from Commissioner Reed Re Comments on proposed Vacation Rental Ordinance 24-tbd	0.20	200.00	\$40.00
11-21-24	RGK	Email Correspondence: Email from Mayor Dennington Re Boxes of records - LOTS if original public records - in town hall...	0.20	200.00	\$40.00
11-22-24	RGK	Phone conference with Mayor Dennington Re BS&E continuing contract, STR workshop, and agenda items	0.80	200.00	\$160.00
11-22-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: BSE engineering	0.10	200.00	\$20.00
11-22-24	RGK	Email Correspondence: Email from Mayor Dennington Re: BSE engineering	0.10	200.00	\$20.00
11-25-24	RGK	Phone conference with Mayor Dennington Re historic records inspection	0.20	200.00	\$40.00
11-25-24	RGK	Email Correspondence: Emails with Commissioner Reed RE: Comments on proposed Vacation Rental Ordinance 24-tbd	0.70	200.00	\$140.00

11-25-24	RGK	Email Correspondence: Email from Elizabeth Mascaro RE: Mixed Boxes of town records in town hall locked up storage	0.10	200.00	\$20.00
11-25-24	RGK	Email Correspondence: Email from Mayor Dennington Re: Mixed Boxes of town records in town hall locked up storage	0.10	200.00	\$20.00
11-26-24	RGK	Phone conference with Mayor Dennington Re forwarding of emails	0.20	200.00	\$40.00
11-26-24	RGK	Email Correspondence: Emails with Mayor Dennington RE: Boat storage ordinance	0.30	200.00	\$60.00

Services Subtotal: \$1,260.00

Subtotal	\$1,260.00
Total	\$1,260.00
Payment	\$0.00
Balance Owing	\$1,260.00

Trust Account Balance \$0.00

Total Matter Balance \$1,260.00

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.

<https://secure.lawpay.com/pages/shepardfirm/operating>

Public Works Activities

November 2024

A significant amount of time this period was spent on installing our Christmas displays. In addition to preparing Ryckman Park for our annual outstanding Tree Lighting event wreaths were installed on our decorative poles along Ocean Avenue.

We had to repair and refurb some of the figurines that we have gotten 5 years of use from. Being good stewards of Towns funds is always in our playbook. We service and repair out snow machines and again have gotten several years use of them.

Seeing the joy brought to the attendees on the night of the tree lighting makes all this hard work worthwhile.

Thank you to Our Commission for supporting this great event.

Now for our regular stuff:

Met with a resident that resides on the south side of the 6th Ave. boat ramp and discussed stormwater problems. It was learned from the resident that until the driveway from Pines St. to the water was raised to its current height stormwaters did not come onto their property. That heightening of the driveway occurred during the placement of the baffle box and stormwater project on 6th avenue about 20 years ago. The resident and I agreed that it does appear considerably higher than their property. Advised the resident that I would research this and keep them posted as to a status. This may be a task that we can complete in house.

We placed large coquina rocks along the failing seawall located on the south side of the 6th Ave. boat ramp. We had learned from the Indian River Lagoon Director a few years ago that they prefer the rock wall versus straight seawall for environmental reasons. The rocks serve to actually break up waves hitting them

and resulting in less washing back erosion of the lagoon bottom. It also does create an environment for marine life.

Continued multiple efforts to get Brevard County to repair the downed flashing school zone on Oak and Cherry – County Commissioners Office advised.

Continued ongoing sidewalk repairs to limit trip hazards. We have a grinding machine that is used to reduce high spots that results from the sidewalks sinking.

Repaired lighting in upstairs bathrooms Town Hall/FD.

Regular checks of the beach fire pits to make certain it is cleaned/Operable

Worked with DEP to make certain replacing our dune path rope lines were compliant. Ropes to be replaced soon. Normal wear.

Conducted visual examination of the stormwater pipes at Cherry/Cedar –light tested and found them all clear to the bafflebox.

Replaced door closers in TH/PD area. They are reaching end of life expectancy. We found a company that sells the reconditioned closers at about half the cost of new ones.

Replaced electrical breaker in Ryckman Park – normal wear

Trimmed a very large bush growing on Oak Street north – safety issue

Repaired outside light on Ryckman House front porch – environmental wear

Photographing/documenting large debris being placed at location on Ave.A – suspect commercial company dumping – will forward to Code

Met with residents on North Atlantic planned to construct swale to relieve stormwater issue.

Working with resident on Harlan to address stormwater issue

Contracted and had repaired very large hole in parking lot at Ocean Ave. Large enough to be a liability to the Town.

Mulched all the playground areas and around Ryckman Park and river front areas. The mulch is “playground engineered” to comply with safety standards for playground areas. This is typically annual event. We piggyback the Brevard County Contract.

Responded to sewage (gray water) spilling from the Sands on The Beach. Found clean out cap loosened to allow the spill. Had drained on to our beach crossover at First Ave. Place earthen dam to prevent entry onto Town property. Filled and cleaned area in our crossover area affected. Owner cited. Reported to State Health. FYI- had the same issue approximately one year ago

Responded to 449 Riverview to inspect issue with area sinking near outfall there. Referred to BSE status ongoing

Used Ventrac tractor with edger to edge intersection area 4th and Orange. Had grown into street.

Installed Town Banners on poles – Ocean Ave. in front of businesses and from Ocean Avenue north to the Town limits.

The normal daily routine of checking restrooms, trash cans, stormwater inlets any large debris continue. During these checks we attempt to spot anything that may need addressed.

Also would like to thank Commissioner Reed for spending a couple of hours with PW Director learning about the stormwater system in Town.



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Building Department Report

NOVEMBER 2024

- permits issued 51
- Construction value of the \$1,324,014.82 permits totaled \$24,980.79
- Total permit fees \$24,980.79
- Inspections completed 129
- Plans reviewed 51
- Site plan review for P&Z 0
- Vacation rental inspections 7
- New home 0
- Stop work order 0

Inspection List

12/02/2024

1/4

Linked Record #	Address	Inspection Type	Scheduled	Completed	Status	Inspector
CVR23-0019	228 6TH AVE	Building Inspection	11/26/24	11/26/24	Complied	Jim Turner
CVR24-0035	302 FIFTH AVE	Building Inspection	11/26/24	11/26/24	Not Complied	Robert Bitgood
PRB24-0025	506 THIRD AVE	LINTEL	11/26/24	11/26/24	Approved	Robert Bitgood
PWS24-0107	204 CHERRY DR	Final window, Door, & Shutter	11/26/24	11/26/24	Disapproved	Robert Bitgood
PWS24-0113	514 HIBISCUS TRL	In-Progress	11/26/24	11/26/24	Approved	Robert Bitgood
PRR24-0041	604 ALDEN PL	Final	11/26/24	11/26/24	Disapproved	Robert Bitgood
PRB24-0003	505 BANYAN WAY	Final Building	11/26/24	11/26/24	Disapproved	Robert Bitgood
PF24-0036	323 THIRD AVE	Final Fence	11/26/24	11/26/24	Approved	Robert Bitgood
CVR24-0028	304 OAK ST	Building Inspection	11/25/24	11/25/24	Not Complied	Robert Bitgood
CVR23-0019	228 6TH AVE	Building Inspection	11/25/24	11/25/24	Complied	Jim Turner
CVR24-0038	228 SIXTH AVE	Building Inspection	11/25/24	11/25/24	Completed	Robert Bitgood
PWS24-0076	509 BANYAN WAY	Final window, Door, & Shutter	11/25/24	11/25/24	Approved	Robert Bitgood
PP23-0014	300 AVENUE A	Final Plumbing	11/25/24	11/25/24	Approved	Robert Bitgood
PRR24-0054	404 RIVER VW	Final	11/25/24	11/25/24	Disapproved	Robert Bitgood
PWS24-0109	209 CHERRY DR	Final window, Door, & Shutter	11/25/24	11/25/24	Approved	Robert Bitgood
PRB24-0028	502 COLONY ST	Underground Plumbing	11/25/24	11/25/24	Approved	Robert Bitgood
PRB23-0037	508 MAGNOLIA AVE	Stucco Trim	11/25/24	11/25/24	Approved	Robert Bitgood
PMC24-0010	409 DRIFTWOOD AVE	Final Miscellaneous	11/22/24	11/22/24	Approved	Robert Bitgood
PPL24-0017	217 CHERRY DR	Steel & Ground	11/22/24	11/22/24	Approved	Robert Bitgood
PWS24-0107	204 CHERRY DR	In-Progress	11/22/24	11/22/24	Approved	Robert Bitgood
ECE24-0245	398 RIVER VW	1st Reinspection	11/21/24	11/21/24	Not Complied	Robert Bitgood
PWS24-0101	306 BEAU JEAN AVE	Final window, Door, & Shutter	11/21/24	11/21/24	Approved	Robert Bitgood
PP24-0027	503 SHANNON AVE	Rough Plumbing	11/21/24	11/21/24	Approved	Robert Bitgood
PWS24-0106	1500 ATLANTIC ST	Final window, Door, & Shutter	11/21/24	11/21/24	Approved	Robert Bitgood
PRR24-0054	404 RIVER VW	In Progress	11/21/24	11/22/24	Approved	Robert Bitgood
PWS24-0106	1500 ATLANTIC ST	In-Progress	11/20/24	11/20/24	Approved	Robert Bitgood

Inspection List

12/02/2024

2/4

Linked Record #	Address	Inspection Type	Scheduled	Completed	Status	Inspector
ECE23-0192	323 AVENUE A	1st Reinspection	11/20/24	11/20/24	Partially Complied	Robert Bitgood
PWS24-0085	536 SUNSET BLVD	Final window, Door, & Shutter	11/20/24	11/20/24	Canceled	Robert Bitgood
PWS24-0045	501 BANYAN WAY	In-Progress	11/20/24	11/20/24	Approved	Robert Bitgood
PWS24-0085	536 SUNSET BLVD	In-Progress	11/20/24	11/20/24	Approved	Robert Bitgood
PWS23-0076	301 AVENUE A	Final window, Door, & Shutter	11/19/24	11/19/24	Disapproved	Robert Bitgood
PCD24-0030	310 HIBISCUS TRL	Final Paver, Concrete, & Deck	11/19/24	11/19/24	Approved	Robert Bitgood
PP24-0027	503 SHANNON AVE	Pre Pour - Concrete	11/19/24	11/19/24	Approved	Robert Bitgood
ECE24-0235	206 FOURTH AVE	1st Reinspection	11/18/24	11/18/24	Complied	Robert Bitgood
PWS24-0094	220 FOURTH AVE	In-Progress	11/18/24	11/18/24	Disapproved	Robert Bitgood
PRR24-0028	603 ATLANTIC ST	Final	11/18/24	11/18/24	Disapproved	Robert Bitgood
PCB24-0006	2005 ATLANTIC ST 414	Rough Plumbing	11/18/24	11/18/24	Approved	Robert Bitgood
PWS24-0109	209 CHERRY DR	In-Progress	11/18/24	11/18/24	Approved	Robert Bitgood
PM24-0088	2203 ATLANTIC ST 716	Final Mechanical	11/15/24	11/15/24	Approved	Robert Bitgood
PRR24-0065	1101 PINE ST	Final	11/15/24	11/15/24	Approved	Robert Bitgood
PWS24-0075	317 FIRST AVE	Final window, Door, & Shutter	11/15/24	11/15/24	Disapproved	Robert Bitgood
PP24-0027	503 SHANNON AVE	Plumbing Underground	11/15/24	11/15/24	Approved	Robert Bitgood
PP24-0008	1101 PINE ST	FINAL	11/15/24	11/15/24	Disapproved	Robert Bitgood
PPL24-0016	408 SURF RD	Steel & Ground	11/15/24	11/15/24	Approved	Robert Bitgood
PWS24-0101	306 BEAU JEAN AVE	In-Progress	11/15/24	11/15/24	Approved	Robert Bitgood
CVR24-0023	411 OAK ST	Fire Inspection	11/14/24	11/14/24	Complied	Robert Bitgood
CVR24-0024	1905 REDWOOD AVE	Fire Inspection	11/14/24	11/14/24	Complied	Robert Bitgood
PP24-0021	600 HIBISCUS TRL	Final Plumbing	11/14/24	11/14/24	Approved	Robert Bitgood
PP24-0021	600 HIBISCUS TRL	Electric Final	11/14/24	11/14/24	Approved	Robert Bitgood
PM24-0090	2203 ATLANTIC ST 725	Final Mechanical	11/14/24	11/14/24	Approved	Robert Bitgood
PRB23-0049	604 ALDEN PL	Screw	11/14/24	11/14/24	Approved	Robert Bitgood
CVR24-0030	1505 ATLANTIC ST	Building Inspection	11/13/24	11/26/24	Not Complied	Robert Bitgood

Inspection List

12/02/2024

3/4

Linked Record #	Address	Inspection Type	Scheduled	Completed	Status	Inspector
PRB24-0024	408 SURF RD	Rough Plumbing	11/13/24	11/13/24	Approved	Robert Bitgood
PAS24-0008	408 SURF RD	Rough Plumbing	11/13/24	11/13/24	Approved	Robert Bitgood
PM24-0073	304 FIFTH AVE	Final Mechanical	11/13/24	11/13/24	Disapproved	Robert Bitgood
PWS24-0100	1704 ATLANTIC ST 2E	In-Progress	11/13/24	11/13/24	Disapproved	Robert Bitgood
PF24-0030	1902 NEPTUNE DR	Final Fence	11/13/24	11/13/24	Approved	Robert Bitgood
PPL24-0010	1902 NEPTUNE DR	Final Pool	11/13/24	11/13/24	Approved	Robert Bitgood
PRO24-0005	1508 PINE ST	Gas Line Inspection	11/13/24	11/13/24	Approved	Robert Bitgood
PP24-0007	211 ELM AVE	Final Plumbing	11/12/24	11/12/24	Approved	Robert Bitgood
PWS24-0077	2100 NEPTUNE DR	Final window, Door, & Shutter	11/12/24	11/12/24	Disapproved	Robert Bitgood
PWS24-0083	301 OAK ST	Final window, Door, & Shutter	11/12/24	11/12/24	Disapproved	Robert Bitgood
PM24-0089	2105 ATLANTIC ST 624	Final Mechanical	11/12/24	11/12/24	Approved	Robert Bitgood
PP24-0024	312 BANYAN WAY	DRY WALL	11/12/24	11/12/24	Disapproved	Robert Bitgood
PP24-0024	312 BANYAN WAY	Rough Plumbing	11/12/24	11/12/24	Disapproved	Robert Bitgood
PRB24-0018	1105 PINE ST	Framing	11/11/24	11/08/24	Approved	Robert Bitgood
PRB23-0049	604 ALDEN PL	Insulation	11/08/24	11/08/24	Approved	Robert Bitgood
PRB24-0018	1105 PINE ST	Rough Electrical	11/08/24	11/08/24	Approved	Robert Bitgood
PRB24-0018	1105 PINE ST	In Progress - window	11/08/24	11/08/24	Approved	Robert Bitgood
PWS24-0087	210 THIRD AVE	Final window, Door, & Shutter	11/07/24	11/07/24	Disapproved	Robert Bitgood
PE24-0050	210 FOURTH AVE	Electrical	11/07/24	11/07/24	Approved	Robert Bitgood
PWS23-0014	301 THIRD AVE	Final window, Door, & Shutter	11/07/24	11/07/24	Approved	Robert Bitgood
PRB24-0032	217 CHERRY DR	Rough Electrical	11/07/24	11/07/24	Approved	Robert Bitgood
PRB24-0032	217 CHERRY DR	Rough Plumbing	11/07/24	11/07/24	Approved	Robert Bitgood
PRB23-0037	508 MAGNOLIA AVE	Framing	11/07/24	11/07/24	Partially Approved	Robert Bitgood
PRB23-0047	415 SIXTH AVE	PRE POUR	11/07/24	11/07/24	Approved	Robert Bitgood
PWS24-0088	513 BANYAN WAY	Final window, Door, & Shutter	11/06/24	11/06/24	Approved	Robert Bitgood
PM24-0087	1710 ATLANTIC ST 5E	Final Mechanical	11/06/24	11/06/24	Approved	Robert Bitgood

Inspection List

12/02/2024

4/4

Linked Record #	Address	Inspection Type	Scheduled	Completed	Status	Inspector
PWS24-0094	220 FOURTH AVE	In-Progress	11/06/24	11/06/24	Disapproved	Robert Bitgood
PWS24-0098	504 COLONY ST	Final window, Door, & Shutter	11/06/24	11/06/24	Approved	Robert Bitgood
PWS24-0091	512 HARLAND AVE	Final window, Door, & Shutter	11/06/24	11/06/24	Approved	Robert Bitgood
PRR24-0030	395 RIVER VIEW LN	Final	11/05/24	11/05/24	Approved	Robert Bitgood
PF24-0033	451 SANDY KY	Final Fence	11/05/24	11/05/24	Approved	Robert Bitgood
PWS23-0014	301 THIRD AVE	In-Progress	11/05/24	11/05/24	Approved	Robert Bitgood
PWS24-0098	504 COLONY ST	In-Progress	11/05/24	11/05/24	Approved	Robert Bitgood
PWS24-0103	402 RIVERSIDE DR 1	In-Progress	11/05/24	11/06/24	Approved	Robert Bitgood
BTR25-253	317 OCEAN AVE	BTR FIRE	11/04/24	11/04/24	Completed	Jim Turner
BTR25-051	401 OCEAN AVE STE 205-B	BTR FIRE	11/04/24	11/04/24	Completed	Jim Turner
BTR25-088	301 OCEAN AVE STE 2	BTR FIRE	11/04/24	11/04/24	Completed	Jim Turner
BTR25-038	302 OCEAN AVE	BTR FIRE	11/04/24	11/04/24	Completed	Jim Turner
BTR25-033	302 OCEAN AVE	BTR FIRE	11/04/24	11/04/24	Completed	Jim Turner
CVR24-0026	317 FIRST AVE	Fire Inspection	11/04/24	11/04/24	No Violation	Jim Turner
CVR24-0025	401 AVENUE B	Fire Inspection	11/04/24	11/04/24	Completed	Jim Turner
PRR24-0052	705 HIBISCUS TRL	In Progress	11/01/24	11/01/24	Approved	Robert Bitgood
PRB23-0040	306 AVENUE B	Final Building	11/01/24	11/01/24	Approved	Robert Bitgood
PF24-0026	203 ELM AVE	Final Fence	11/01/24	11/01/24	Disapproved	Robert Bitgood

Total # of Inspections: 96

Monthly Permit List

12/02/2026⁵

1/5

Electrical

Permit #	Applicant	Address	Fee Total	Const. Value
PE24-0056	SAMUEL ELY	512 HARLAND AVE	\$79.00	\$2468.00
Work Description: Service change same location repair damage meter can				
PE24-0055	DANIEL ROUW	416 POINSETTIA RD	\$79.00	\$1712.67
Work Description: REPLACE ELECTRICAL SERVICE INCLUDING METER, DISCONNECT, AND WEATHER HEAD. EXISTING METER DAMAGED COUSING OUTAGES IN THE HOME. FPL CURRENTLY HAS METER BYPASSED				

Total Permits For Type: 2
Total Fees For Type: \$158.00
Total Const. Value For Type: \$4180.67

Fence

Permit #	Applicant	Address	Fee Total	Const. Value
PF24-0039	SUPERIOR FENCE & RAIL OF BREVARD COUNTY INC	504 HARLAND AVE	\$314.72	\$10703.73
Work Description: INSTALL 236' OF 6' PVC FENCE WITH 1 5' GATE AND 1 6' GATE				
PF24-0034	EAST COAST FENCE & GUARDRAIL	414 HIBISCUS TRL	\$313.40	\$10575.00
Work Description: Install new fence				
PF24-0037	FENCE OUTLET INC	608 MANGO DR	\$253.59	\$8247.00
Work Description: 290 ft of 6' H Tan privacy PVC fence with one 4' wide gate and one 5' wide gate				
PF24-0038	AMERICAN FENCE	1903 REDWOOD AVE	\$210.89	\$6858.00
Work Description: Supply and install 202' of 6' tall board wood fence. Two 5' walk gates. STainless steel hardware, concrete every post				
PF24-0036	SUPERIOR FENCE & RAIL OF BREVARD COUNTY INC	323 THIRD AVE	\$286.69	\$9322.95
Work Description: Install 231' of 4' aluminum fence with 2-4' gates				

Total Permits For Type: 5
Total Fees For Type: \$1379.29
Total Const. Value For Type: \$45706.68

Mechanical

Permit #	Applicant	Address	Fee Total	Const. Value
PM24-0091	Chapman, Donald	200 6TH AVE	\$317.95	\$11020.00
Work Description: AC replacement				
PM24-0087	WHITLOCK, GARY	1710 ATLANTIC ST 5E	\$232.59	\$7564.00
Work Description: Change out AC with 2.5 ton American Standard system				
PM24-0089	John T Arrigo	2105 ATLANTIC ST 624	\$280.84	\$9133.00
Work Description: HVAC change out				

PM24-0088	Joseph E Dittmar	2203 ATLANTIC ST 716	\$231.02	\$7513.00
Work Description: LIKE FOR LIKE AC REPLACEMENT				
PM24-0090	Joseph E Dittmar	2203 ATLANTIC ST 725	\$115.75	\$3725.00
Work Description: Like for like replacement of A/C condenser				
PM24-0094	NATHAN IACOBACCI	207 DOGWOOD AVE	\$334.04	\$12589.00
Work Description: Replace exact HVAC System				
PM24-0092	Durham & Sons Inc	400 PELICAN KY	\$292.34	\$9507.00
Work Description: Exact replacement of 2.5 ton AC system w/8kw electric heat				
PM24-0093	Gregory L Vermett	220 SURF RD	\$287.82	\$9360.00
Work Description: Replace A/C system				

Total Permits For Type: 8
Total Fees For Type: \$2092.35
Total Const. Value For Type: \$70411.00

Miscellaneous

Permit #	Applicant	Address	Fee Total	Const. Value
PMC24-0019	BLUESTREAK JONATHAN RIOS	1910 CEDAR LN	\$0.00	\$0.01
Work Description: Place 4" conduit from existing manhole to proposed and place fiber cross connect cabinet A02WD1L Location is approx 175' North of Cherry on Oak St.				
PMC24-0020	LERCH, MARTIN	222 CHERRY DR	\$151.21	\$4900.00
Work Description: 18 FT X 15 FT WOODEN PERGOLA WITH WOOD RAFTER ROOF STAINLESS STEEL HARDWARE AND 6X6 POSTS , 2X8 STRINGERS AND 2X6 RAFTERS				
PMC24-0018	STRUCTURED BROADBAND SERVICES	414 RIVERVIEW LN	\$0.00	\$0.01
Work Description: Install 178' of new cable. To equal 101' of (2) directional driveway bore's and 77' of underground trench				

Total Permits For Type: 3
Total Fees For Type: \$151.21
Total Const. Value For Type: \$4900.02

Paver, Concrete, & Deck

Permit #	Applicant	Address	Fee Total	Const. Value
PCD24-0030	Dave Nielsen LLC	310 HIBISCUS TRL	\$317.75	\$11000.00
Work Description: Driveway Pavers				
PCD24-0031	SUNNY CONCRETE SERVICES LLC	505 POINSETTIA RD	\$129.49	\$4183.00
Work Description: Install driveway extension on right 11' x 10' + 10' x14' Install road apron on right 10" X 18'				

Total Permits For Type: 2
Total Fees For Type: \$447.24
Total Const. Value For Type: \$15183.00

Plumbing

67

Permit #	Applicant	Address	Fee Total	Const. Value
PP24-0027	Graham, Alec	503 SHANNON AVE	\$351.48	\$14291.00
Work Description: Plumbing portion of Master and hall bathroom remodels; replacement of cast iron sewer pipes and old copper water lines				

Total Permits For Type: 1
Total Fees For Type: \$351.48
Total Const. Value For Type: \$14291.00

Pool

Permit #	Applicant	Address	Fee Total	Const. Value
PPL24-0017	POSEIDON POOLS FLORIDA LLC	217 CHERRY DR	\$499.07	\$28690.00
Work Description: In ground swimming pool				
PPL24-0016	GROUNDLED BUILDS BREVARD, LLC	408 SURF RD	\$615.00	\$40000.00
Work Description: New Pool				

Total Permits For Type: 2
Total Fees For Type: \$1114.07
Total Const. Value For Type: \$68690.00

Reroof

Permit #	Applicant	Address	Fee Total	Const. Value
PRR24-0066	Ethen Devoe	211 SECOND AVE	\$376.48	\$16730.00
Work Description: Residential reroof from shingle to shingle				
PRR24-0055	Florida Native Roofing Inc	414 THIRD AVE	\$419.23	\$20900.00
Work Description: 26q standing seam & flat reroof 17q @ 4/12. 11 q flat				
PRR24-0068	JEREMIAH HARMON CONSTRUCTION	217 FOURTH AVE	\$431.37	\$22085.00
Work Description: reroof asphalt off & on 6/12 flat roof area				
PRR24-0061	LANEUVILLE ROOFING LLC	2005 ATLANTIC	\$829.74	\$60950.00
Work Description: Install Astec Roof system over existing asphalt roof				
PRR24-0062	LANEUVILLE ROOFING LLC	2101 ATLANTIC BLDG 5	\$784.13	\$56500.00
Work Description: Install Astec Roof system over existing asphalt roof				
PRR24-0063	LANEUVILLE ROOFING LLC	2105 ATLANTIC	\$784.13	\$56500.00
Work Description: Install Astec Roof system over existing asphalt roof				
PRR24-0059	LANEUVILLE ROOFING LLC	2207 ATLANTIC	\$829.74	\$60950.00
Work Description: Install Astec Roof system over existing asphalt roof				
PRR24-0067	POE ROOFING AND CONSULTING INC	1500 ATLANTIC ST	\$214.63	\$6980.00
Work Description: shingle roof replacement				
PRR24-0057	LANEUVILLE ROOFING LLC	1805 ATLANTIC ST	\$784.13	\$56500.00

Work Description: Install Astec Roof system over existing asphalt roof 68

PRR24-0056 LANEUVILLE ROOFING LLC 1903 ATLANTIC ST \$784.13 \$56500.00

Work Description: Install Astec roof system over existing asphalt roof

PRR24-0060 LANEUVILLE ROOFING LLC 1905 ATLANTIC ST \$829.74 \$60950.00

Work Description: Install Astec Roof system over existing asphalt roof

PRR24-0058 LANEUVILLE ROOFING LLC 2051 ATLANTIC ST \$303.20 \$9860.00

Work Description: Install Astec Roof system over existing asphalt roof

PRR24-0064 LANEUVILLE ROOFING LLC 2203 ATLANTIC ST \$829.74 \$60950.00

Work Description: Install Astec Roof system over existing asphalt roof

PRR24-0065 3LP ROOFING 1101 PINE ST \$352.60 \$14400.00

Work Description: Remove existing shingles, re-nail decking to code install peel-n-stick underlayment and new owens corning shingles

PRR24-0054 Florida Native Roofing Inc 404 RIVER VW \$186.83 \$6070.00

Work Description: shingle reroof on boat dock only 7q 3/12

Total Permits For Type: 15
Total Fees For Type: \$8739.82
Total Const. Value For Type: \$566825.00

Res Building

Permit #	Applicant	Address	Fee Total	Const. Value
PRB24-0032	REBEKAH VAN SOMEREN	217 CHERRY DR	\$492.00	\$28000.00
	Work Description: update kitchen and baths, new windows, water supply lines			
PRB24-0028	Advanced Roof Technology, Inc	502 COLONY ST	\$4633.75	\$72400.00
	Work Description: Interior renovation, window & door replacement, plumbing supply and sanitary line replacment, AC change out for both units, stucco.			
PRB24-0035	SOUTHEAST CUSTOM CONSTRUCTION INC	401 FIRST AVE	\$2151.22	\$279750.00
	Work Description: Garage addition, interior remodel, new kitchen, guest bath, interior doors and trim, flooring, paver driveway, parking pad.			

Total Permits For Type: 3
Total Fees For Type: \$7276.97
Total Const. Value For Type: \$380150.00

Window, Door, and Shutter Permit

Permit #	Applicant	Address	Fee Total	Const. Value
PWS24-0105	CORNERSTONE CONSTRUCTION AND DEVELOPMENT	511 ANDREWS DR	\$461.25	\$25000.00
	Work Description: replace windows with PGT Impact			
PWS24-0106	FOUR SEASONS IMPACT WINDOWS AND DOORS LLC	1500 ATLANTIC ST	\$426.70	\$21630.41
	Work Description: replacement of 8 windows and 4 doors			

PWS24-0109	Brevard Window & Doors Inc	209 CHERRY DR	\$333.60	\$12547.00 ⁸⁹
	Work Description: Replacing windows			
PWS24-0107	Brevard Window & Doors Inc	204 CHERRY DR	\$378.93	\$16968.00
	Work Description: REPLACING SLLIDERS, DOOR, WINDOW			
PWS24-0110	NEIGHBORHOOD WINDOWS AND DOORS	207 FIR AVE	\$396.14	\$18648.00
	Work Description: window replacement			
PWS24-0113	MITZ, ALEXANDER	514 HIBISCUS TRL	\$124.00	\$4000.00
	Work Description: window replacement. No new sizes NOA-23-103.02 23-0714.15 23-0714.17			
PWS24-0112	IKON WINDOWS AND DOORS LLC	100 OAK ST	\$126.65	\$4088.20
	Work Description: Remove and replace exterior door			
PWS24-0104	CN ROMACK, INC	1301 PINE ST	\$138.32	\$4477.00
	Work Description: Replace existing exterior front door size for size			
PWS24-0111	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	505 POINSETTIA RD	\$476.22	\$26460.42
	Work Description: installing windows and doors			
PWS24-0102	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	303 SUNSET BLVD	\$408.55	\$19858.42
	Work Description: installation of windows			

Total Permits For Type:	10
Total Fees For Type:	\$3270.36
Total Const. Value For Type:	\$153677.45

Grand Total Fees:	\$24,980.79
Grand Total Permits:	51.00
Grand Total Const. Value:	\$1324014.82

Enforcements by Category

12/13/2024

1/4

Enforcement #	Address	Status	Filed	Closed
ECE24-0255	219 FIFTH AVE	Open - Complaint Rec	12/13/2024	

Total # for Category: 1**ABANDONED/JUNK VEHICLES**

Enforcement #	Address	Status	Filed	Closed
ECE24-0207	206 CHERRY DR	Closed - Complied	01/11/2024	01/30/2024

Total # for Category: 1**ATTRACTIVE NUISANCE**

Enforcement #	Address	Status	Filed	Closed
ECE24-0218	408 AVENUE A	Closed - Complied	05/13/2024	05/29/2024

Total # for Category: 1**BUILDING PERMIT VIOLATION**

Enforcement #	Address	Status	Filed	Closed
ECE24-0208	314 AVENUE B	Closed - Complied	01/11/2024	07/08/2024
ECE24-0209	311 BANYAN WAY	Closed - Complied	02/08/2024	03/04/2024

Total # for Category: 2**FENCES AND WALLS**

Enforcement #	Address	Status	Filed	Closed
ECE24-0216	204 S PALM AVE	Closed - No Violatio	04/16/2024	04/18/2024
ECE24-0215	304 S PALM AVE	Closed - No Violatio	08/14/2024	08/14/2024

Total # for Category: 2**LAWNS - GARBAGE & TRASH**

Enforcement #	Address	Status	Filed	Closed
ECE22-0145	404 COLONY ST	Closed - Complied	07/25/2024	07/25/2024

Enforcements by Category

12/13/2024

2/4

Total # for Category: 1

LAWNS - OVERGROWTH

Enforcement #	Address	Status	Filed	Closed
ECE24-0225	604 SHANNON AVE	Closed - No Violatio	08/13/2024	08/23/2024
ECE24-0226	209 CHERRY DR	Closed - Complied	08/23/2024	09/03/2024
ECE24-0227	504 SHANNON AVE	Closed - Complied	08/26/2024	09/06/2024
ECE24-0229	416 THIRD AVE	Closed - Complied	09/03/2024	09/19/2024
ECE24-0230	308 ORANGE ST	Closed - Complied	09/04/2024	09/19/2024
ECE24-0234	210 FOURTH AVE	Closed - Complied	09/05/2024	09/19/2024
ECE24-0236	1505 ORANGE ST	Closed - Complied	09/06/2024	10/03/2024
ECE24-0240	800 PINE ST	Closed - Complied	09/17/2024	10/01/2024
ECE24-0241	512 SUNSET BLVD	Closed - Complied	09/17/2024	10/01/2024
ECE24-0235	206 FOURTH AVE	Closed - Complied	09/19/2024	11/18/2024
ECE24-0246	1302 ORANGE ST	Closed - Complied	10/17/2024	10/26/2024
ECE24-0245	398 RIVER VW	PENDING - Monitoring	11/12/2024	
ECE24-0247	800 PINE ST	Open - Complaint Rec	11/18/2024	

Total # for Category: 13

LIGHTING VIOLATIONS

Enforcement #	Address	Status	Filed	Closed
ECE24-0219	411 HIBISCUS TRL	Closed - Complied	05/29/2024	06/18/2024

Total # for Category: 1

MULTIPLE VIOLATIONS

Enforcement #	Address	Status	Filed	Closed
ECE24-0243	200 SHANNON AVE	Closed - Complied	09/18/2024	10/16/2024
ECE24-0244	408 AVENUE A	Closed - Complied	10/01/2024	11/13/2024

Total # for Category: 2

NOISE COMPLAINTS

Enforcement #	Address	Status	Filed	Closed
ECE24-0217	600 JASMINE DR	Closed - Complied	04/29/2024	05/06/2024

Total # for Category: 1

Enforcements by Category

12/13/2024

3/4

POOLS

Enforcement #	Address	Status	Filed	Closed
ECE24-0223	1709 PINE ST	Closed - Complied	08/01/2024	11/13/2024

Total # for Category: 1

SHORT TERM RENTAL VIOLATIONS

Enforcement #	Address	Status	Filed	Closed
ECE24-0212	602 SHANNON AVE	Closed - Complied	03/01/2024	03/18/2024
ECE24-0214	387 RIVER VIEW LN	Open - Notice of Vio	04/01/2024	
ECE24-0232	401 HIBISCUS TRL	Open - Notice of Vio	08/21/2024	
ECE24-0231	302 FIFTH AVE	Closed - Complied	09/04/2024	09/24/2024
ECE24-0233	322 HIBISCUS TRL	Closed - Complied	09/05/2024	10/29/2024
ECE24-0237	302 FIFTH AVE	Closed - No Violatio	09/06/2024	10/30/2024
ECE24-0238	608 MANGO DR	Closed - Complied	09/10/2024	09/12/2024
ECE24-0224	217 THIRD AVE	PENDING - Certificat	09/11/2024	
ECE24-0249	209 CHERRY DR	PENDING - Monitoring	12/05/2024	
ECE24-0248	602 SHANNON AVE	Open - Complaint Rec	12/09/2024	
ECE24-0254	407 CORAL AVE	Open - Complaint Rec	12/13/2024	
ECE24-0256	401 HIBISCUS TRL	Open - Complaint Rec	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	

Total # for Category: 14

SIGNS

Enforcement #	Address	Status	Filed	Closed
ECE24-0250	526 AVENUE B	Open - Complaint Rec	12/11/2024	
ECE24-0251	200 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	
ECE24-0252	207 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	

Total # for Category: 3

TRAILERS, BOATS, AND RECREATIONAL VEHICLES

Enforcement #	Address	Status	Filed	Closed
ECE24-0210	203 SIXTH AVE 8	Closed - Complied	02/20/2024	02/22/2024
ECE24-0213	404 COLONY ST	Closed - Complied	03/18/2024	03/29/2024
ECE24-0220	206 FLAMINGO LN	Closed - No Violatio	06/18/2024	08/05/2024
ECE24-0221	514 MAGNOLIA AVE	Closed - Complied	06/24/2024	07/03/2024

Enforcements by Category

12/13/2024

4/4

ECE24-0222	200 SHANNON AVE	Closed - Abaled	06/26/2024	07/03/2024
ECE24-0228	601 HIBISCUS TRL	Closed - Complied	09/01/2024	11/05/2024
ECE24-0253	202 SHANNON	Open - Complaint Rec	12/04/2024	

Total # for Category: 7

TREES AND LANDSCAPING

Enforcement #	Address	Status	Filed	closed
ECE24-0211	308 FIRST AVE	Closed - Complied	02/22/2024	03/26/2024
ECE24-0242	411 ATLANTIC ST	Open - Notice of Vio	11/12/2024	

Total # for Category: 2

Total # of Enforcements: 52

COMPLAINT LIST

12/13/2024

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.	
Enf #: ECE24-0247	Status: Open - Complaint Received	Category: Lawns - Overgrowth	Inspector: Robert Bitgood
202 SHANNON	12/04/2024	multiple vehicles in yard. motor home on the side 2 kayaks.	
Enf #: ECE24-0253	Status: Open - Complaint Received	Category: Trailers, Boats, and Recreational Vehicles	Inspector: Code Officer
602 SHANNON AVE	12/09/2024	VRBO Not Registered	
Enf #: ECE24-0248	Status: Open - Complaint Received	Category: Short Term Rental Violations	Inspector: Code Officer
526 AVENUE B	12/11/2024	Political Signs posted after election	
Enf #: ECE24-0250	Status: Open - Complaint Received	Category: Signs	Inspector: Code Officer
200 RIVERSIDE DR	12/12/2024	Political signs in violation of Town Ordinance	
Enf #: ECE24-0251	Status: Open - Complaint Received	Category: Signs	Inspector: Code Officer
207 RIVERSIDE DR	12/12/2024	political sign in yard, violation of Town ordinance	
Enf #: ECE24-0252	Status: Open - Complaint Received	Category: Signs	Inspector: Code Officer
407 CORAL AVE	12/13/2024	unregistered vacation rental	
Enf #: ECE24-0254	Status: Open - Complaint Received	Category: Short Term Rental Violations	Inspector: Code Officer
219 FIFTH AVE	12/13/2024		
Enf #: ECE24-0255	Status: Open - Complaint Received	Category:	Inspector: Code Officer
401 HIBISCUS TRL	12/13/2024	UNREGISTERED VACATION RENTAL	
Enf #: ECE24-0256	Status: Open - Complaint Received	Category: Short Term Rental Violations	Inspector: Code Officer
319 THIRD AVE	12/13/2024	UNREGISTERED VACATION RENTAL	
Enf #: ECE24-0257	Status: Open - Complaint Received	Category: Short Term Rental Violations	Inspector: Code Officer

COMPLAINT LIST

12/13/2024

2/2

Address	Filed	Complaint
303 CHERRY DR	12/13/2024	UNREGISTERED VACATION RENTAL
Enf #: ECE24-0258	Status: Open - Complaint Received	Category: Short Term Rental Violations
Inspector: Code Officer		

Enforcements by Category

12/13/2024

1/2

Enforcement #	Address	Status	Filed	Closed
ECE24-0255	219 FIFTH AVE	Open - Complaint Rec	12/13/2024	

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	Open - Complaint Rec	12/09/2024	
ECE24-0254	407 CORAL AVE	Open - Complaint Rec	12/13/2024	
ECE24-0256	401 HIBISCUS TRL	Open - Complaint Rec	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	

Total # for Category: 6

SIGNS

Enforcement #	Address	Status	Filed	Closed
ECE24-0250	526 AVENUE B	Open - Complaint Rec	12/11/2024	
ECE24-0251	200 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	
ECE24-0252	207 RIVERSIDE DR	Open - Complaint Rec	12/12/2024	

Total # for Category: 3

TRAILERS, BOATS, AND RECREATIONAL VEHICLES

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

Total # for Category: 1

Enforcements by Category

12/13/2024

2/2

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: 14

12/13/2024

1/1

Certificate List

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

Total # of Certificates: 8

Total Amount Due: \$0.00

12/13/2024

1/1

Certificate List

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Amount Due
CVR22-0036	319 THIRD AVE	Vacation Rental	SEVILA, WILLIAM AUSTIN	Hold		\$650.00
CVR22-0040	308 SECOND AVE	Vacation Rental	NOBLE, LINDA S	Hold		\$0.00
CVR23-0012	311 FIRST AVE	Vacation Rental	JEPPSON, RICHARD C	Hold		\$900.00
CVR24-0012	387 RIVER VIEW LN	Vacation Rental	JOLOWSKI, FREDERICK/ROBERT	Hold		\$0.00
CVR24-0020	204 CHERRY DR	Vacation Rental	URHOMEINVESTMENTS LLC	Hold		\$0.00
CVR24-0030	1505 ATLANTIC ST	Vacation Rental	MEYERS, JUSTIN & TRACEY	Hold		\$0.00
CVR24-0032	1503 ATLANTIC ST A	Vacation Rental	YOUNG, KAREN	Hold		\$0.00
CVR24-0035	302 FIFTH AVE	Vacation Rental	EDILENE, TOBIAS JOHANSSON	Hold		\$0.00
CVR24-0036	212 DOGWOOD AVE	Vacation Rental	FREELS, KEVIN ROBERT	Hold		\$0.00
CVR24-0038	228 SIXTH AVE	Vacation Rental	WELLENS, DOUGLAS M	Hold		\$800.00
CVR24-0039	2201 REDWOOD AVE	Vacation Rental	NLD9, INC JOHN NEWTON	Hold		\$0.00
CVR24-0040	218 FIFTH AVE	Vacation Rental	WEHRENBERG, JEFFREY	Hold		\$800.00
CVR24-0041	510 BANYAN WAY	Vacation Rental	MCGRATH, JEFFREY	Hold		\$0.00
CVR24-0042	224 FIFTH AVE	Vacation Rental	POVICH, ROBYN S	Hold		\$800.00
CVR24-0043	304 FOURTH AVE	Vacation Rental	SAMMELMAN, MARK T	Hold		\$800.00
CVR24-0045	414 POINSETTIA RD	Vacation Rental	KATHRYN MAULER DAN MAULER	Hold		\$0.00
CVR24-0046	306 AVENUE B	Vacation Rental	HEUCHAN, JOSHUA	Hold		\$800.00

Total # of Certificates: 17

Total Amount Due: \$5,550.00



Town of Melbourne Beach



Fire Department

MONTHLY REPORT – DECEMBER 2024

Incident Response

From November 1st through December 12th, the Melbourne Beach Volunteer Fire Department responded to 16 calls for service. The average number of responding volunteer personnel per paged out call for the time period listed above was 10.

Breakdown:

- 8 Fire/Rescue 911 Calls (paged out)
 - Incidents: 136, 137, 138, 140, 141, 142, 144, 150
- 4 Public Service/Assists
 - Fire drill standby x2 (Incidents 143 & 146)
 - Offsite fire prevention presentation (Incident 139)
 - Community service assist for MB Library (Incident 135)
- 2 First Responder EMS Incidents
 - Walk-in medical (Incident 145)
 - Med Assist for trauma (Incident 148)
- 1 Special Event Standby
 - Town tree lighting event (Incident 147)
- 1 Fire & Life Safety Inspection
 - Incident 149

Notable Incidents

- ***11/02/2024 (02:34pm) – Water Rescue Incident in the Indian River.***
 - MBVFD dispatched to reports of 2 juveniles in distress on a pedal boat in the Indian River. MB-Fire1, M-58, and D-58 responded. M-58 located vessel in distress, and both juveniles and their vessel were recovered and brought back to shore, where they were turned over to their parent/guardian. Both juveniles were assessed and did not require any medical attention.

- **11/04/2024 (03:23pm) – Good Intent Call (Possible Ocean Water Rescue) in the 1300 block of Atlantic Street.**
 - MB-Fire, Ski-58, ATV-58, and D-58 responded as part of a multi-agency response including units from BCSO, MBPD, BCOR, BCFR, and IHBVFD. Complainant relayed that he witnessed a swimmer enter the water and lost sight of him in the rough surf, and the swimmer never returned to shore. Person of interest matching the description located in the surf in the area of the 1100 block of Atlantic Street. Contact made by BCSO helicopter and BCOR lifeguard, and swimmer returned to shore on own. No emergency or medical need.
- **12/03/2024 (03:00pm) – Good Intent Call (Possible Explosion) in the 400 block of Banyan Way.**
 - MB-Fire1, E-58, & E-258 responded. Canceled on scene by MBPD; law enforcement matter only (unfounded by MBPD).
- **12/12/2024 (04:20am) – Single Vehicle Accident leaking fluids and smoking (no injuries) at Ocean Park.**
 - MB-Fire1, E-58, & S-58 responded. Upon arrival, single vehicle, single occupant in Ocean Park parking lot. Vehicle missed the turn and proceeded straight from Atlantic into Ocean Park. BCFR R-64 assessed driver for medical clearance, MBVFD secured vehicle battery, mitigated leaking fluids, cleaned up parking lot of debris, and secured the flashing yellow light pole that was run over.

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 or email us at FireTraining@MelbourneBeachFL.org.

Notable Events & Updates

Automatic Aid Updates

- The Indian Harbour Beach Fire Department has made the decision to withdraw from an informal automatic aid partnership with the Melbourne Beach Volunteer Fire Department that had been in place since 2018, citing the need for Melbourne Beach to properly staff its Department with at least two paid professionals on a daily basis that meet minimum standards set by the State of Florida to include medical training. They have relayed that they would be amenable to entering into a formal automatic aid agreement once we staff our Fire Department with paid firefighters. Chief Brown has been working with Town Manager Mascaro to mitigate issues this has caused and investigate possible options for resolution. Chief Brown will be requesting a special Town Commission workshop in January to discuss the Town's current level of fire protection and sustainability options for the future.
- 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 by January.

191hr Volunteer Firefighter Certification Program

- The Department began hosting (and teaching) a State recognized hybrid 191hr Volunteer Firefighter Certification Program. 8 students from Melbourne Beach and 2 students from Indian Harbour Beach attended the orientation and are enrolled in the program.
- In addition, Chief Brown is assisting one senior staff member of IHBVFD with upgrading his pre-existing firefighter 1 certificate to the State's new 191 hour volunteer firefighter standard.

Fire Hydrant Inspections & Flushing

- The Fire Department began its annual fire hydrant inspections & flushing, as required by Florida Statute 633.312. In an effort to minimize community disruption, the inspections & flushing procedure took place, and will continue to take place on various late nights/early mornings between 11:00pm and 4:00am, throughout December. The flushing process is an important preventative maintenance measure to assist in removing accumulated sediment and iron/manganese mineral deposits from the water lines, thus helping to maintain a good water supply for both firefighting and domestic purposes. The Fire Department is on target to have all hydrants tested before the end of the month.

Misc. Certification Programs

- Chief Brown taught the following certification programs:
 - 4-hr State of Florida first responder mental health course for 2 Indian Harbour Beach and 4 Melbourne Beach volunteer firefighters.
 - Stop the Bleed Re-Certification Course for 1 new MBPD officer
 - Stop the Bleed Certification Course for 2 new MBVFD volunteers
 - BloodBorne Pathogens Refresher for 1 new MBPD officer

Community Events

- The Fire Department provided a fire safety presentation to children at Advent Lutheran Preschool;
- Provided a fire station tour and fire safety presentation as part of the Gemini 2nd grade field trip to the municipal complex;
- Assisted Boy Scout Owen Addington with his eagle scout project;
- Participated in the planning and execution of the Town Christmas Tree Lighting event;
- Assisted the Rotary Club of Melbourne Beach with a holiday event for vulnerable populations within our community.

Meetings & Conferences

- Chief Brown attended the following meetings:
 - Eastern Florida State College Fire Science Technical Advisory meeting
 - Brevard County Emergency Management EM Coordinators meeting
 - Melbourne Beach fire instructors meeting
 - Space Coast Fire Chiefs critical radio profile meeting
 - Melbourne Beach vacation rental fire & safety requirement meeting
 - Radio programming meeting with Communications International
 - Boy Scout Court of Honor ceremony
 - Boy Scout Eagle Board of Review
- In addition, Chief Brown met individually with Commissioners Baldwin, Barlow, Butler, and Reed to provide information about the history, concerns, needs, and priorities for the Fire Department for upcoming year.

Fire Chief Certifications

- Chief Brown attended 2 multi-day FEMA/FDEM training programs hosted by Brevard County Emergency Management and earned certificates for Disaster Evacuation and Re-Entry planning as well as the Homeland Security Exercise and Evaluation Program.

Upcoming Events

- The Fire Department, in cooperation with the Melbourne Beach Volunteer Firefighters Association are preparing for the following events:
 - Christmas Parade & Pancake Breakfast (December 14th)
 - Christmas Eve Santa Run (December 24th).

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 12/13/2024 3:56:51 PM



85

Incident Address and Type for Date Range (Landscape)

Incident Status(s): All Incident Statuses | Start Date: 11/01/2024 | End Date: 12/12/2024

INCIDENT #	DATE	LOCATION TYPE	ADDRESS	INCIDENT TYPE	ALARM	CLEARED SCENE
2024-135	11/02/2024		324 Ocean AVE , Melbourne Beach, FL, 32951	Public service	11/02/2024 13:11	11/02/2024 13:27
2024-136	11/02/2024		500 Sixth AVE , Melbourne Beach, FL, 32951	Watercraft rescue	11/02/2024 14:38	11/02/2024 15:30
2024-137	11/04/2024		4th AVE / Cross Street: Atlantic St., Melbourne Beach, FL, 32951	Surf rescue	11/04/2024 15:19	11/04/2024 16:00
2024-138	11/06/2024		412 6th AVE , Melbourne Beach, FL, 32951	Trash or rubbish fire, contained	11/06/2024 14:10	11/06/2024 14:18
2024-139	11/08/2024		1805 Oak ST , Melbourne Beach, FL, 32951	Public service	11/08/2024 09:42	11/08/2024 11:21
2024-140	11/09/2024		1505 Atlantic ST , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	11/09/2024 13:34	11/09/2024 13:52
2024-141	11/16/2024		2203 Atlantic ST , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	11/16/2024 02:27	11/16/2024 02:59
2024-142	11/20/2024		2100 Oak ST , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	11/20/2024 07:00	11/20/2024 07:18
2024-143	11/22/2024		2100 Oak ST , Melbourne Beach, FL, 32951	Public service	11/22/2024 08:37	11/22/2024 08:53
2024-144	12/03/2024		404 Banyan WAY , Melbourne Beach, FL, 32951	Explosion (no fire), other	12/03/2024 15:01	12/03/2024 15:15
2024-145	12/04/2024		507 Ocean AVE , Melbourne Beach, FL, 32951	Rescue, EMS incident, other	12/04/2024 12:15	12/04/2024 12:35
2024-146	12/05/2024		2100 Oak ST , Melbourne Beach, FL, 32951	Public service	12/05/2024 08:02	12/05/2024 08:41
2024-147	12/06/2024		519 Ocean AVE , Melbourne Beach, FL, 32951	Cover assignment, standby, moveup	12/06/2024 18:22	12/06/2024 21:20
2024-148	12/09/2024		507 Ocean AVE , Melbourne Beach, FL, 32951	Medical assist, assist EMS crew	12/09/2024 12:35	12/09/2024 12:51
2024-149	12/10/2024		212 Dogwood AVE , Melbourne Beach, FL, 32951	Special type of incident, other	12/10/2024 12:55	12/10/2024 12:55
2024-150	12/12/2024	Intersection	Ocean AVE / Atlantic Avenue, Melbourne Beach, FL, 32951	Motor vehicle accident with no injuries.	12/12/2024 04:21	12/12/2024 04:51

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



emergencyreporting.com

Doc Id: 1251

Page # 1 of 1

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 12/13/2024 3:58:14 PM



86

Personnel Count per Incident for Date Range

Start Date: 11/01/2024 | End Date: 12/12/2024

INCIDENT				NUMBER OF PEOPLE		
NUMBER	DATE	INCIDENT TYPE	FDID	ON APPARATUS	NOT ON APPARATUS	TOTAL
2024-135	11/2/2024 13:11:00	553 - Public service	19112	2	8	10
** 2024-136	11/2/2024 14:38:04	365 - Watercraft rescue	19112	8	4	12
** 2024-137	11/4/2024 15:19:40	364 - Surf rescue	19112	8	4	12
** 2024-138	11/6/2024 14:10:49	118 - Trash or rubbish fire, contained	19112	5	5	10
2024-139	11/8/2024 09:42:48	553 - Public service	19112	5	0	5
** 2024-140	11/9/2024 13:34:20	743 - Smoke detector activation, no fire - unintentional	19112	4	6	10
** 2024-141	11/16/2024 02:27:26	743 - Smoke detector activation, no fire - unintentional	19112	3	1	4
** 2024-142	11/20/2024 07:00:17	743 - Smoke detector activation, no fire - unintentional	19112	4	5	9
2024-143	11/22/2024 08:37:38	553 - Public service	19112	1	0	1
** 2024-144	12/3/2024 15:01:18	240 - Explosion (no fire), other	19112	8	3	11
2024-145	12/4/2024 12:15:58	300 - Rescue, EMS incident, other	19112	2	0	2
2024-146	12/5/2024 08:02:07	553 - Public service	19112	1	0	1
2024-147	12/6/2024 18:22:22	571 - Cover assignment, standby, moveup	19112	1	7	8
2024-148	12/9/2024 12:35:44	311 - Medical assist, assist EMS crew	19112	1	2	3
2024-149	12/10/2024 12:55:42	900 - Special type of incident, other	19112	1	0	1
** 2024-150	12/12/2024 04:21:10	324 - Motor vehicle accident with no injuries.	19112	7	2	9

TOTAL # OF INCIDENTS: 16

AVERAGES:

3.8

2.9

6.8

Total # of incidents
paged out for
volunteer response: 8

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

5.9

3.8

9.6

Only REVIEWED incidents included

Note: Items highlighted in green are fire prevention activities (Fire Inspections, Presentations, Fire Drills, etc.)



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Page # 1 of 1



Melbourne Beach Police Department

Chief Zander's Monthly Report

December 2024



Operations:

Over the past month, the department handled 1226 calls for service.

Activity:

- 49 Citations/ 105 Written Warnings
- 288 Traffic Stops
- 162 Traffic Enforcement Details
- 1 Traffic Complaint
- Speed Compliance percentages over the past month:
 - Atlantic Ave. 75%
 - Oak St. 93%
 - Riverside Dr. 94%

PD News

- Policies are live on our new DMS software. Would like to get them on our Police Department website by March 2025
- Attended Childrens Christmas Party Hosted by the Melbourne Beach Rotary and Genesis House
- Attended Melbourne Beach Tree Lighting Event
- Worked the Holiday Parade
- Officer Nicole completed the FTO process and is now a solo officer.
- Hired Officer Brown Started the FTO program this month. Fully Staffed once she completes training in mid March
- The Police Department Volunteers completed 35 total hours of volunteer service.
 - Helping out with Front Desk Coverage/Admin and with House Checks as well as attended the Tree Lighting Event
 - Worked with Aging Matters to deliver packages to several Melbourne Beach residents
 - Visited over 30 businesses in Melbourne Beach as community outreach. Overall we are

looking for feedback from our businesses as to what we can do better, what might they need from us and moreover, improving our relationships with our businesses and giving them an avenue to communicate with us. Overall the businesses have appreciated this effort.

- Hosted our second round of Department Training: Topics were Traffic Stops and ActiveShooter/Building Clearing. Indialantic once again trained with us as they brought 5-6 officers down to train. They also assist our instructors with the instructing if they have a person that has a specialty.

CRIME Update:.

- Volunteers completed 56 House Checks- The house checks are typically for residents that are out of town either on vacation or snowbirds. Our volunteers check on the residents, walk around and make sure that everything looks status quo. If they find something suspicious, they retreat to a safe location and call the police to respond.
- Several Disturbance Calls. These calls vary from neighbors that can't get along, Domestic Issues, people getting into arguments at the beach etc....
- 3 arrests/16 Suspicious Incidents/4 Suspicious Vehicles /12 Suspicious Persons. A suspicious incident/person/vehicle varies and can be something that an officer notices or it can be a complainant calling something in that they deem to be suspicious. This is at all hours of the day and night.
- 1 Death Investigation Natural Causes
- Baker Act Investigation
- Numerous Theft Investigations,,, E-bike thefts/Felony Arrests made. 2 E-bikes were stolen and are estimated to be at a cost of \$4,000 which constitutes a felony. The two people that were arrested stole numerous bikes around the Brevard County area. Several other agencies had charges on them as well. There were also other thefts to include other bikes that citizens leave unattended and not locked up.
- Property from Burglaries in Melbourne that were recovered in Melbourne Beach. The property was abandoned in the park and recovered by a concerned citizen and turned into the PD.
- 1 STR complaint. This complaint was a dog bite from a STR on Cherry. The renter of the STR was bitten by a neighborhood dog.

- 7 Assist other Law enforcement agencies. We assist Indiatlantic and BCSO on calls for service.

These typically occur when BCSO who has 1 or sometimes 2 deputies working from Pineda south is too far to respond in time and we are closer. This typically is in the unincorporated area of Melbourne Beach south of us. As far as Indiatlantic is concerned, we will typically help them on calls for service in the nighttime when they have one officer working and need back-up. During a call for service this month when our agency had 1 officer working due to staffing, our officer called for back up on a suspicious incident where a gunshot and possible explosion were heard at a residence. It took the BCSO over 8 minutes to respond in emergency mode to back up our officer. Luckily, our officer was not in a position of danger while he was waiting. This is just one example of why our officers need to ensure that they have 2 officers working at a time. If this were a traffic stop or another dangerous situation where our officer was engaged in a physical altercation with someone, 8 minutes is a long time to wait for back up. A lot can happen in 8 minutes.

Our family at the Melbourne Beach Police Department would like to wish everyone a safe Holiday Season and a Merry Christmas!!

Town of Melbourne Beach

Town Clerk Monthly Report November 2024

Public Records Requests –

- Received – 15
- Completed – 12

Records Management Project/ Scanning Project – There are four brief cases of documents to be imported into the records management software. After importing the first one there were issues with the naming convention, that caused documents not to have the correct name and not be filed correctly in the system. I had a long meeting with the company to locate the issues and figure out how to fix the issues. During this process, there were a few updates that I saw that I will be making in the system prior to importing the documents again. After that, I will import the documents and do a sampling to see if the documents were automatically renamed correctly and that the documents created the proper folder structure to file everything correctly. Met with an intern who will start going through all of the documents after she returns from winter break in mid-January.

New Town Website Project – If you have any issues with the new website please contact Town Hall and speak with Cyd Cardwell or Amber Brown. Added a section on the Agenda and Minutes page for recent updates, so when subscribers receive an email that the page was updated they will be able to see what on the page was updated.

Meetings/Trainings – Had meetings with Granicus about the new town website. Had meetings with BIS Digital about the A/V equipment in the Community Center. Had a meeting with MCCi about the records management software Laserfiche.

Town Meetings – Prepared agendas, packets, and minutes, and attended 2 Town Commission Meetings, a Planning and Zoning meeting, and a workshop between the Planning and Zoning Board and the Environmental Advisory Board. 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: December 18, 2024

From: Town Clerk Amber Brown

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

Background Information:

The September 18, 2024 Regular Town Commission Meeting minutes were pulled from the Consent Agenda during the October Regular Town Commission Meeting. The minutes were put under New Business where a motion was made to table them to the November Regular Town Commission meeting.

During the November Regular Town Commission Meeting Mayor Dennington requested an amendment be made to the minutes on page 10, regarding who spoke about the Mayor being thrown out of the hearing. The minutes reflected Commissioner Corey Runte made the statement, but Mayor Dennington believed it was the Town Manager. Mayor Dennington also requested that verbiage be added reflecting that she adamantly denied what was stated.

This is the link to the YouTube video from the September Regular Town Commission Meeting <https://www.youtube.com/live/VzYwWsJOfFY> (the section in question starts at 3:00:06), and below is the excerpt from the minutes.

Commissioner Corey Runte spoke about the Mayor being thrown out of the hearing.

Town Manager Elizabeth Mascaro spoke about the Mayor sending a brief to the prior Police Chief's attorney.

Mayor Alison Dennington spoke about what Commissioner Corey Runte and Town Manager Elizabeth Mascaro said was false. She was looking for an attorney to represent her in the appellate case and was given that law firms information. Mr. Bitgood did not disclose it to the Town in writing.

Recommendation:

Under the direction of the Commission, I have gone back and reviewed that portion of the meeting recording, and in my opinion, the existing minutes accurately reflect what was relayed during the meeting. As a reminder, the Town prepares summary minutes, so they are not a verbatim record of what is said. My recommendation is to approve the September 18, 2024 Regular Town Commission Meeting minutes as originally presented.

Attachments:

September 18, 2024 Regular Town Commission Meeting minutes.

Town of Melbourne Beach

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

MINUTES

Commission Members:

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

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 6:12 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

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

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Fire Chief Gavin Brown
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. Meeting Agenda – Additions/Deletions/Changes – 2:48

Vice Mayor Sherri Quarrie made a motion to accept the meeting agenda as presented; Commissioner Corey Runte seconded; Motion carried 4-0.

5. Consent Agenda – 4:16

- ~~A. Approval of the Special Town Commission Meeting final minutes September 6, 2024~~
- ~~B. Approval of the Special Town Commission Meeting – Tentative Budget Hearing final minutes September 6, 2024~~
- ~~C. Approval of the Town Commission Workshop final minutes August 27, 2024~~
- ~~D. Approval of the Town Commission Workshop final minutes August 22, 2024~~
- ~~E. Approval of the Special Town Commission Meeting final minutes August 21, 2024~~
- ~~F. Approval of the Regular Town Commission Meeting action minutes August 21, 2024~~
- ~~G. Approval of the Town Commission Workshop final minutes July 3, 2024~~
- ~~H. Approval of the Town Commission Workshop final minutes June 18, 2024~~
- ~~I. Approval of the Regular Town Commission Meeting final minutes May 15, 2024~~
- ~~J. Approval of the site plan for 1609 Atlantic St – new home~~

Mayor Alison Dennington pulled Items A through I from the Consent Agenda to be put at the end of New Business, and Item J to the beginning of Unfinished Business.

Town Attorney Ryan Knight confirmed Consent Agenda Items A through I have been moved to the very end of the meeting under New Business, and Consent Agenda Item J which is the approval of the site plan was moved to the first item under Unfinished Business. Leaving no items on the Consent Agenda to vote on.

6. Proclamations/Presentations/Awards –

- A. Proclamation recognizing September 17th through September 23rd as Constitution Week – 7:58

Mayor Alison Dennington read the proclamation recognizing September 17th through September 23rd as Constitution Week.

- B. Presentation from the Parks Board on updates and recommendations on ongoing projects – 10:23

Chairperson Dawn Barlow presented updates and recommendations on the 5 projects that the Parks Board is reviewing: Hometown Heroes, Veteran’s Park, Bicentennial Park Water Feature, Playground Equipment, and Circle Park Enhancement.

Commissioner Corey Runte spoke about being in favor.

Alison Dennington spoke about being in favor of Hometown Heroes and a refresh on Circle Park but would like to bid it or set a limit.

Vice Mayor Sherri Quarrie spoke about residents wanting to be aware of what happens in the Parks, so it needs to be noticed to the public before making any changes to the Parks.

Chairperson Dawn Barlow spoke about notifying all of the residents around Circle Park and the residents mentioned being okay with a refresh of Circle Park, but not having it as a Veteran's Park. Move the Veteran's Memorial to Ryckman Park as an honor walk where the coquina rock is.

Commissioner Corey Runte spoke about trusting the Parks Board and Staff. Supports the refresh of Circle Park. Recommends proceeding with working with Staff to proceed in concept and start the planning process. Loves the idea of fundraising for the brick path.

Mayor Alison Dennington spoke about being in favor of all of it.

Vice Mayor Sherri Quarrie and Commissioner Marivi Walker agreed with proceeding with the refresh of Circle Park and the brick path for a Veteran's Memorial.

Chairperson Dawn Barlow spoke about Bicentennial Park and the donation from the dissolved Garden Club that was donated for a water feature. Reached out to some experts who mentioned an upfront cost of approximately \$6,000 and a monthly maintenance of \$200.00. Based on the donation amount of \$1,500 the Parks Board did not approve the water feature. Will table this item for now and focus on the other items.

Mayor Alison Dennington agreed and is in favor of returning the money.

Commissioner Corey Runte spoke about continuing the conversation, but not making it a priority.

C. Presentation from the Planning and Zoning Board on the tree cutting and replacement ordinance – 47:54

Planning and Zoning Board Member Dan Harper spoke about the Board's requesting a slight change to the tree ordinance. The Planning and Zoning Board recommended changing Section 9A-7(C) to delete the second sentence "any trees that are removed for new construction shall be replaced by the same or similar species." Keep the tree density before and after provision. This would have no impact on the requirements regarding oak trees.

Mayor Alison Dennington spoke about being in favor as long as a definition of density is added.

Commissioner Corey Runte spoke about being generally in favor of it and thinks a public workshop is needed and involve the Environmental Advisory Board.

Vice Mayor Sherri Quarrie spoke about the Environmental Advisory Board and the Building Department needs to be involved. Trees are a big deal, so we need input from everyone. Not ready to make a decision yet.

Commissioner Marivi Walker spoke about needing more information before making a decision.

Planning and Zoning Board Member Dan Harper spoke about there being conflicting language about trees in the ordinance. One says tree for tree and one says proportional.

Town Attorney Ryan Knight spoke about if there are two conflicting ordinances get with him ahead of the meeting, so he can go through and see which Ordinance would prevail.

The Town Commission had a consensus to allow the Town Manager to coordinate moving forward.

- D. Recognition of Boy Scout Logan Knolmayer for the completion of his Eagle Scout project – Installation of fire hydrant reflectors throughout the Town of Melbourne Beach – 1:00:22

Resident Logan Knolmayer thanked everyone who assisted him in completing his Eagle Scout Project and for allowing him to do the project. Approximately 82 man-hours went into installing fire hydrant reflectors throughout the Town.

Fire Chief Gavin Brown spoke about the project is more than just completing the project. It is about project management as Logan had to coordinate funding, safety, and logistics, attend meetings, and get approvals to complete the project from start to finish.

Mayor Alison Dennington read a letter of thanks to Logan Knolmayer for his Eagle Scout Project that increased public safety within the Town of Melbourne Beach.

7. Finance/Budget Report – 1:06:05

Commissioner Corey Runte spoke about being below the target rate of expenditures.

Commissioner Corey Runte made a motion to approve the Finance Report as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

8. Department and Board/Committee Reports

- A. Public Works Department – 1:07:35

Mayor Alison Dennington spoke about the Oak tree is going to die by the new deck. Asked about the swale installation and asked for a procedure for requests.

Town Manager Elizabeth Mascaro spoke about how the tree has been looked at and it is not going to die. The Town still has the swale program, and a resident requested the swale.

Mayor Alison Dennington spoke about asking for a swale several times and no one responded and she did not receive one, so there needs to be some type of written criteria for it since it is a free service to residents.

Town Manager Elizabeth Mascaro asked Mayor Alison Dennington if she would still like a swale.

Mayor Alison Dennington spoke about not wanting a swale.

B. Building Department – 1:12:02

Town Manager Elizabeth Mascaro spoke about Mayor Alison Dennington having a question about a shed that was installed because it was 10 feet by 16 feet. 160 Square feet is the allowed maximum size.

C. Code Enforcement – 1:14:05

Town Manager Elizabeth Mascaro spoke about the software has limitations on how much detail is currently provided on the reports, so the Town is currently working to add more categories.

Mayor Alison Dennington spoke about cases seem to be pending for a long time.

Town Manager Elizabeth Mascaro spoke about the attractive nuisance is a home the Town is about to have condemned because the house has been in probate.

Mayor Alison Dennington spoke about the cases in the status first letter and telling short term rental violators they could not rent until they were registered.

Town Attorney Ryan Knight spoke about the Code Officer would have no authority to tell someone they cannot continue to rent while they are in the registration process.

Mayor Alison Dennington spoke about not understanding the verbal warning. Why not immediately file a notice of violation for short term rental violations? The verbal warning does not start the clock.

Town Attorney Ryan Knight spoke about the whole point of code enforcement is compliance. Typically, you provide a warning with an amount of time then inspect to see if there is still a violation. If so, then you send a notice and schedule a hearing.

Mayor Alison Dennington spoke about wanting the amount of time when a verbal warning is given. Asked how soon the next Magistrate Hearing would be scheduled.

Commissioner Corey Runte suggested Mayor Alison Dennington meet with the Town Manager prior to the meeting to go over any questions.

Mayor Alison Dennington asked about the report on page 196 of the packet.

D. Fire Department – 1:26:46

Fire Chief Gavin Brown spoke about the Fire Department is a teaching station with 9 State Certified Instructors which is why you will see fire trucks from other departments in Town and at the station.

Mayor Alison Dennington spoke about the Fire Department being awarded a grant for \$40,952.00.

E. Police Department – 1:28:16

Mayor Alison Dennington spoke about being very happy with the data.

F. Town Clerk – 1:29:54

Town Clerk Amber Brown spoke about the new Town website will go live September 25th.

9. Public Comment (Non-Agenda Items) – 1:30:58

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.

Town Clerk Amber Brown read a public comment sent in by **Walter Hardman – 320 Sixth Ave –** *Some residents and elected officials feel they do not have to treat town employees with respect. Town employees deserve better, residents should hold elected officials accountable for their behavior.*

Jim Simmons – 409 Avenue B – *Spoke about issues the Mayor has caused with staff and the staff has never been better. The Mayor's actions jeopardize everything the Town has accomplished. We need a change in Mayor.*

Kate Wilborn – 502 Second – *Spoke about Mayor Dennington has improved communication with the Town and created the Town forum where people can connect.*

Mark Formica – 215 Birch – *Spoke about there being bullying here and it is distasteful, people want to see details, and tone is down a bit.*

Frank LaGrassa – 412 First Ave – *Spoke about applauding the Mayor for doing things the prior Commission did not do.*

Tina Coppock – 505 Avenue B – *Spoke about a prior comment about social media. People use social media as a weapon. The Mayor accused Adam Meyer of having a backup plan. The Mayor owes some people an apology. Stop doing it or resign.*

Mark McBride – 310 Second Ave – *Spoke about and thanked the Commission for funding enforcement of short term rentals, and spoke about issues with short term rentals. What has been done in the past year? Please make short term rentals a priority. Provided a handout on short term rental ordinance recommendations.*

Bryan Troy – 509 Hibiscus Trl – *Spoke about as a leader the Mayor wont denounce her followers when they go so far as calling people sexual predator supporters, or saying Joyce Barton is not eligible. You're either part of the problem or part of the solution.*

Mayor Alison Dennington spoke about not being responsible for other people's comments.

10. Public Hearings/Special Orders

11. Unfinished Business

- A. Originally Consent Agenda Item J – Approval of the site plan for 1609 Atlantic St – new home – 1:53:00

Mayor Alison Dennington spoke about not having any issues with it but pulled the item to allow the public to speak.

Jim Simmons – 409 Avenue B – Spoke about site plans go on the consent agenda because the only responsibility is to ensure they meet the code. It is not for public review.

Bruce Larson – 1507 Pine – Spoke about attending the Planning and Zoning meeting and it was done correctly. That is not the case for many other ones. The question is where is the height being measured from?

Commissioner Corey Runte made a motion to approve 1609; Commissioner Marivi Walker seconded; Motion carried 4-0.

- B. Originally Unfinished Business Item A - Consideration on filling the Town Commission seat vacated by Commissioner Adam Meyer – 1:57:43

Mayor Alison Dennington spoke about having a Special Meeting to discuss this item.

Commissioner Marivi Walker spoke about having a meeting and everyone presented themselves and they are all fabulous.

Commissioner Corey Runte spoke about appreciating everybody stepping up and applying. We have amazing candidates, thanked them, and encouraged them to run in the next election to stay involved.

Mayor Alison Dennington spoke about her choice would be Dawn Barlow. All of the candidates are great. Dawn has done a phenomenal job on the Parks Board and has attended all of the meetings lately, as well as Bruce Larson.

Julie Samuels – 2320 S River Rd – Spoke about serving on the Parks Board with Dawn Barlow and thinks she is highly qualified and would be a great addition.

Commissioner Marivi Walker made a motion to appoint Mr. Robert Baldwin to the vacated seat by Mr. Adam Meyer; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

Town Clerk Amber Brown administered the Oath of Office for Commissioner Robert Baldwin.

Recessed at 8:14 pm - 8:33 pm.

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

Mayor Alison Dennington
 Vice Mayor Sherri Quarrie
 Commissioner Corey Runte
 Commissioner Marivi Walker
 Commissioner Robert Baldwin

Staff Members Present

Town Manager Elizabeth Mascaro
 Town Attorney Ryan Knight
 Deputy Police Chief Matthew Smith
 Town Clerk Amber Brown

C. **Originally Unfinished Business Item B - Approval of the Town Commission Workshop final minutes March 6, 2024 – 2:06:38**

Mayor Alison Dennington spoke about voting against it because the Charter requires the minutes to be prepared 5 days after the meeting and there are 9 sets of minutes on the agenda, so she has not had time to relisten to all of the meetings.

Commissioner Corey Runte made a motion to approve the meeting minutes from March 6th; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

D. **Originally Unfinished Business Item C - Consideration to offer reduced pricing on non-resident parking passes – 2:13:26**

Town Manager Elizabeth Mascaro spoke about it in September 2023 the Commission discussed this but made no decision on reducing the guest parking pass the later in the year it is. One idea is to charge \$100 in January, \$50 in July, and \$25 in September.

Commissioner Marivi Walker verified this would be to pro-rate it when people buy it later in the year.

Commissioner Corey Runte spoke about being fine with that.

Vice Mayor Sherri Quarrie spoke about the reason it was not reduced is because it will still require the same amount of staff time and September through December is the busiest time of year.

Mayor Alison Dennington spoke about being against this, raise the price to \$200, have a limited number, and maybe for the last month it could be \$100. This will play into Airbnb's as well.

Commissioner Corey Runte asked how many guest passes have been sold this year.

Mayor Alison Dennington spoke about wanting to know what the cap amount is.

Commissioner Corey Runte suggested tabling this, but is in favor of pro rating it for \$50 half way through the year.

Vice Mayor Sherri Quarrie spoke about in the very beginning, the Commission did not want to allow nonresidents to park at crossovers, but because of the beach renourishment, the Town had to allow nonresidents to park there.

Commissioner Corey Runte made a motion to table the parking pass item under New Business; Commissioner Marivi Walker seconded; Motion carried 5-0.

- E. Originally Unfinished Business Item D - Consideration on the design for an ADA compliant ramp on the Community Center – 2:21:29

Town Manager Elizabeth Mascaro spoke about this is to come into compliance with ADA by adding a ramp to the front of the Community Center because there is no handicap parking near the ramp in the rear. This is for the Commission to decide to approve the concept so it can go out to bid or not. There is \$40,000.00 set aside for this.

Commissioner Corey Runte spoke about he will be voting to approve it.

Vice Mayor Sherri Quarrie asked why there are steps on the west end and not a ramp.

Town Manager Elizabeth Mascaro spoke about the steps go into the grass in case people want to walk into the park.

Mayor Alison Dennington spoke about not being against it, but it is pretty small, so she cannot see it. In the future provide bigger versions.

Town Manager Elizabeth Mascaro spoke about the drawings are engineer drawings in order to have the proper grade, and the ramp has to be on the north east to accommodate and add two handicap parking spots at the ramp.

Tim Reed – 302 Fourth Ave – Spoke about he thought the justification of removing the half circle was for the ramp.

Commissioner Corey Runte spoke about the half circle was removed because it served no purpose and by removing it we gained pervious green space.

Commissioner Corey Runte made a motion to approve the ADA ramp in concept as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

12. New Business

- A. Consideration to allow legal team to put together a process and plan of action regarding investigating allegations of a toxic workplace – 2:28:41

Vice Mayor Sherri Quarrie spoke about receiving an email with the resignation from the Building Official, and the reasons included a statement of a toxic workplace. An accusation of this degree requires an investigation that includes interviewing all of the employees. Also was contacted by residents wanting to know why an investigation has not already been started due to the nature of the accusations. The accusations are against an elected official, but the employee stated it is in the workplace, so a full investigation needs to be done. Requested the Commission to vote to allow the legal team to put together the necessary process and plan of action. Either have the Town Attorney's law firm perform

the investigation, or allow an outside firm to do the investigation. The resignation letter includes a statement that things are not going to change while the Mayor is on the dais.

Town Attorney Ryan Knight spoke about his firm and himself represent the Town, so he thinks it would be a conflict of interest, so if there is an investigation it should be done by an independent third party firm that has an employment attorney. That would normally cost around \$350 per hour. Depending on how many documents are included and how many employees are included it can cost anywhere between \$50,000-\$125,000. He is not an employment lawyer, however, to be considered a hostile work environment the employee needs to be in a protected class. As far as the letter goes, there are no allegations that the individual is part of a protected class.

Mayor Alison Dennington spoke about there is nothing in the letter. The Commission is not his boss, and they have oversight. The employee can believe it is toxic in his mind that does not mean it is legally.

Town Attorney Ryan Knight spoke about any allegations of a toxic work environment would be for someone else to determine not the Town Attorney. Someone saying it is toxic or a hostile environment does not make it so legally. Unless there is other evidence or emails that back it up.

Mayor Alison Dennington spoke about having a deposition of Robert Bitgood while he was the Building Official. He was deposed for a personal matter for the previous Police Chief Melanie Griswold.

Commissioner Corey Runte spoke about the fact that the Mayor is trying to find an out is concerning. The Mayor is not good with conflict or challenges. Robert Bitgood was a fantastic Building Official and the sole reason he resigned is the Mayor, which is a shame. Not in favor of having an attorney do an investigation, but is in favor of the Town Attorney sending a survey to all staff asking if the Mayor has caused a toxic work environment. The Mayor needs to grow and reflect on this otherwise the Town is going to lose everybody from the staff and the commission.

Vice Mayor Sherri Quarrie spoke about Building Official Robert Bitgood is great and dedicated to his job. Finds it disturbing the Mayor went out of her jurisdiction to find out what he was doing outside of the Town.

Mayor Alison Dennington spoke about the Building Official was hired as an expert witness and he did not disclose it on his state financial forms for the first 2 years which is a violation of State law.

Commissioner Corey Runte spoke about the Mayor being thrown out of the hearing.

Town Manager Elizabeth Mascaro spoke about the Mayor sending a brief to the prior Police Chief's attorney.

Mayor Alison Dennington spoke about what Commissioner Corey Runte and Town Manager Elizabeth Mascaro said was false. She was looking for an attorney to represent her in the appellate case and was given that law firms information. Mr. Bitgood did not disclose it to the Town in writing.

Town Manager Elizabeth Mascaro spoke about Robert Bitgood disclosed it to her verbally.

Town Attorney Ryan Knight spoke about it would not need to be disclosed in writing.

Mayor Alison Dennington spoke about grievances from employees against the Town Manager.

Vice Mayor Sherri Quarrie spoke about the grievance from Tom Davis went to the attorney, and it went through the proper process.

Commissioner Marivi Walker asked about the resignation letter stating the Mayor contacted State authorities regarding Robert Bitgood.

Vice Mayor Sherri Quarrie spoke about meeting with Robert Bitgood and he spoke about the pool that went to the Board of Adjustment needed clarification from DEP regarding their permit. The Building Department sent the clarification email to the Commission. The Mayor contacted the Department of Environmental Protection and the homeowner and made disparaging remarks about the Building official and his Department.

Commissioner Corey Runte asked what the Mayor said when she contacted DEP which is out of line.

Mayor Alison Dennington spoke about receiving an email with a response from DEP and contacted them thinking it was related to the mangroves. She contacted DEP and they advised the DEP clerk made an issue on the permit. The Mayor mentioned to DEP that residents are upset about mangroves being cut. She did nothing wrong.

Commissioner Corey Runte spoke about it being completely wrong to contact DEP, and then to take that opportunity to make disparaging remarks about a completely different property. Stay in your lane.

Vice Mayor Sherri Quarrie spoke about receiving the original email at 2:07 pm and an additional email was sent 1 hour later advising it was sent by accident as it was intended for the Board of Adjustment regarding a coastal variance. The Mayor did all of that within one hour.

Commissioner Corey Runte spoke about receiving the correction email at 3:46 pm explaining it was an accident, so in 47 minutes the Mayor decided to contact DEP and talk about other properties in Town.

Mayor Alison Dennington spoke about if he cannot do his job then the Town does not need him.

Tina Coppock – 505 Avenue B – Spoke about if there is any doubt of treatment go back and listen to the recordings after the Mayor took office. The Mayor treated him badly in front of the entire public for no reason. Finds it ironic the Mayor is worried about legal expenses when she ran up over \$80,000.00 suing the Town.

Mayor Alison Dennington spoke about disagreeing with that opinion.

Robin Davis – 318 Sixth Ave – Spoke about the mayor should have passed the gavel because the allegations are against her. The complaint should go to the FDLE Public Integrity Unit and to the Ethics Commission. Follow Robert's Rules of Order, stay in your lane and out of the weeds, and allow staff to do their job. When people make a mistake they will fix it. They are not intentionally doing anything. Does not want the news coming back it is embarrassing. Try to be civil.

Mayor Alison Dennington spoke about calling the Town Attorney prior to this who advised she should not recuse herself. Spoke about Robin Davis being Tom Davis's wife and he filed a grievance against the Town Manager.

Commissioner Corey Runte called point of order on the Mayor for making incendiary accusations towards other people with accusations that are completely irrelevant and deserve a response from Robin Davis, and stop interrupting her. The Mayor is weaponizing a grievance.

Mayor Alison Dennington stated the point of order was not well taken.

Commissioner Corey Runte appealed the ruling, and spoke about wanting to hear Robin Davis's respond to the Mayor's statements.

The Commission started to vote but it was not finished and was indecipherable.

Commissioner Corey Runte asked Robin Davis if the grievance from Tom Davis was resolved.

Mayor Alison Dennington spoke about there being a grievance against the Town Manager and the Commission never wanted to talk about it, but because this is about her it is a huge deal. Spoke about the Town Manager saying to her that the office has noticed how Tom has put his hands on her when he talks. The Mayor did have any problems with it, but thought Tom was going to get thrown under the bus and fired.

Robin Davis spoke about to her knowledge the grievance was resolved properly, and said you will be hearing from her lawyer.

Bryan Troy – 509 Hibiscus – Spoke about only meeting Robert Bitgood once and he went above and beyond to assist and be helpful. If you are trying to prove work place harassment the first meeting the Mayor embarrassed him and dressed him down for 10 minutes.

Tina Bove – 216 Ash Ave – Spoke about not doing any social media because of this. Can see the Town and Community is being split. Should be an example to our children. We might be getting our children back in order by limiting social media and maybe take an example from the kids. Take it down. It does seem stacked right now. These are our neighbors we should not be at each other's throats.

Mark McBride – 310 Second Ave - Spoke about agreeing the Commission would do well not to talk about this. Was there a formal grievance filed by Robert Bitgood?

Town Attorney Ryan Knight spoke about there is a formal grievance filed.

Alan Earwood – 404 Sunset – Spoke about Robert has been nothing but professional and is always timely and cannot say enough about that.

Mayor Alison Dennington spoke about having a garage door permit and Robert Bitgood handled it and he was great. The issues are related to how the short term rental case was handled.

Commissioner Corey Runte spoke about the Mayor retaliating against Robert and everybody else who was involved in the illegal shed.

Commissioner Robert Baldwin spoke about speaking with contractors to see what they thought about the Building Official. They all respected him and said he was responsive and fair not that he was easy. Is very concerned. Is there legal liability based only on the letter that the Commission received? If the Commission does not jump at hiring an outside firm what is the best course of action? Asked about doing an internal investigation. A survey seems like a 360 review.

Town Attorney Ryan Knight spoke about the employee still works here, so he could file another grievance. The current letter is general. Other places have done an anonymous survey of 6-8 questions. He could draft some questions and submit them to the Commission to choose the questions.

Commissioner Corey Runte made a motion to decline current legal pursuit of this matter, but to proceed with an anonymous survey prepared by the Town Attorney to every single employee of the Town; Commissioner Marivi Walker seconded;

Steve Walters – 416 Sixth Ave – Spoke about them baiting the Mayor and they did the same thing to him. The job is to inquire and investigate. If they are going to survey the current employees they should question the 26 people that have been fired, resigned, or forced out in the last 5 years by the Town Manager.

Frank LaGrassa – 412 First Ave – Spoke about doing more than just surveying the employees because maybe the Mayor just wants to shape up the place. Maybe there was too much taking care of the employees. If the Mayor is requiring employees to work harder of course they are not going to like her.

Town Attorney Ryan Knight suggested the survey would be anonymous and not name anyone but just have questions about the work environment and ask about any concerns they might have.

Mayor Alison Dennington asked about including past employees, and there potentially being undue influence from current employees.

Town Attorney Ryan Knight spoke about not seeing any reason to survey people who are not currently employed, and the survey would be anonymous. If there is any interference then the employee should report that.

Motion carried 5-0.

- B. Consideration on holding a Town sponsored meet the candidate forum at Town Hall – Mayor Alison Dennington – 3:28:50

Mayor Alison Dennington spoke about receiving a request from a resident to host a candidate forum.

Vice Mayor Sherri Quarrie spoke about thinking it is an excellent idea, so she reached out to the Space Coast League of Women Voters which has done candidate forums before. They can commit to one of three days. Have the Town Clerk reach out to the Space Coast League of Women voters to set that up.

Commissioner Corey Runte spoke about being in favor of it as long as it is fair and equitable, the Commissioners do not attend, and the Town Manager coordinates it.

Jim Simmons – 409 Avenue B – Spoke about participating in them in the past and only about 5 people attended. Also, you had to submit your questions beforehand, so you were not able to ask questions after hearing the answers. Ask about being able to submit questions during the forum.

Vice Mayor Sherri Quarrie spoke about how the League of Women Voters can also explain general election amendments.

Commissioner Robert Baldwin spoke about how amendments can be confusing, so that might draw people in.

Mayor Alison Dennington spoke about the Commission staying out of it and allowing them to handle everything.

Commissioner Corey Runte made a motion to approve the Town-sponsored candidate forum with the three stipulations previously mentioned. One, no Commissioner or Mayor is allowed to be present at the event. Two, televised to the public audience via our software system. Three, it's coordinated by our Town Manager and Town Clerk with the Space Coast League of Women Voters; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Materials and information related to mental health awareness and suicide prevention – Mayor Alison Dennington – 3:39:34

Mayor Alison Dennington spoke about September is Suicide Prevention Month.

Recess 10:07 – 10:15

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Robert Baldwin

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Deputy Police Chief Matthew Smith
Town Clerk Amber Brown

Mayor Alison Dennington spoke about this being her agenda item to get mental health awareness resources and materials out to the public. Many of the trainings are free. 22 veterans a day commit suicide, so if you know a veteran reach out to them and be kind.

Julie Samuels – 2320 S River Road – Spoke about this being a good topic and information and if the Commission would like the Parks Board to take it on and have an event they would be happy to.

Commissioner Corey Runte made a motion to approve proceeding with a mental health awareness event hosted by the Parks Board subject to further due diligence; Commissioner Marivi Walker seconded; Motion carried 5-0.

- D. Consideration on a formal investigation into a complaint received by Human Resources – Town Manager – 3:45:19

Mayor Alison Dennington spoke about this is from her after she heard Mr. Bitgood filed a grievance against her. She does not understand how you can file a grievance against someone who is not an employee. Would have filed a grievance against the Town Manager months ago related to the key fob issue. Asked the Town Attorney if he has reviewed the policy requiring Commissioners to receive a key fob.

Town Attorney Ryan Knight read Town Policy Section 10.02 that states a key fob will be assigned to each member of Town Hall staff, Commission members, and Volunteer Firefighters. The Chief of Police tracks all uses of the fobs and detects attempts to access unauthorized areas.

Mayor Alison Dennington spoke about watching everyone use key fobs back in August including Joyce Barton. She spoke with Chief Griswold and was told Commissioners do not get key fobs, so she asked who, when, and why the policy was changed. She has never received a reason or who changed the policy so they are violating the Town Policy. Filed a complaint with HR, and would like an investigation into that. When there is an

investigation, she would like to have answers on whether the policy is being violated by the Town Manager and the effect of that. The Town has policies and if the Manager does not follow them, then that is a liability. Would like an investigation into that in conjunction with the other investigation.

Commissioner Robert Baldwin asked what the current practice is.

Mayor Alison Dennington asked the Town Attorney if there is a liability in not following the policy and instead asked what's the current practice.

Town Attorney Ryan Knight spoke about the Town Commission has the authority to change and revise the policy if there is a vote. It is his understanding that prior to his tenure, the Police Chief said they would no longer allow fob access because of security issues. The Commission could authorize this to be looked into.

Commissioner Robert Baldwin asked if the new Police Chief has the same opinion.

Commissioner Corey Runte spoke about the Mayor wanting to spend taxpayer dollars on this investigation in retaliation against Robert's grievance. None of the Commissioners have them nor should they because that could be a liability will make a motion to amend the policy because there is no reason the Commission should have a fob. If the concern is to get mail, then put the mail up front.

Mayor Alison Dennington spoke about policies and procedures are important to follow. She does not want a fob. You do not just ignore a policy if it is not working. You come to the Commission with revised policies. Would like the Manager to form an informal internal committee to review the policies and then make recommendations to the Town Commission. This is not about getting a key fob it is about following the policies and procedures. Does not want policies and procedures that are not being followed, or are only followed for some people.

Town Manager Elizabeth Mascaro spoke about already working with the Town Attorney and reviewing other municipalities' policies and procedures to revise the current ones.

Town Attorney Ryan Knight spoke about sending sample policies to the Commission and asked if the Commission is okay with removing the Commissioner's key fob access.

Mayor Alison Dennington spoke about not wanting a key fob, so she would be okay with it.

Commissioner Corey Runte spoke about having zero interest in having an outside investigation done but is in favor of reviewing the policies and procedures.

Vice Mayor Sherri Quarrie spoke about the agenda item states discrimination against the Mayor. There are no mailboxes there is a letter holder sitting on a desk it is not a federal mailbox. You want the taxpayers to pay for an investigation because you believe that you are being withheld from your junk mail. You are threatening staff saying this is grounds for termination with cause.

Commissioner Marivi Walker read part of the complaint stating grounds for termination of the Manager for any criminal liability for obstruction of any kind and spoke about those being really harsh words.

Vice Mayor Sherri Quarrie spoke about the Mayor threatening the entire staff because she believes the rest of the Commission has key fobs.

Mayor Alison Dennington spoke about having a witness stating Commissioner Runte used his key fob.

Commissioner Corey Runte spoke about that being false that the Commissioners do not currently have fobs.

Mayor Alison Dennington spoke about believing there are several grounds upon which the Town Manager could be fired.

Vice Mayor Sherri Quarrie asked if that was toxic.

Town Attorney Ryan Knight spoke about how the Mayor can say what she wants to say, but speak one at a time.

Mayor Alison Dennington spoke about elected officials are for oversight. The Manager is there to run the day-to-day. Everyone has to follow policies and procedures including the Manager. There are policies and procedures that are only being followed when it is convenient. There were grievances being filed against the Town Manager and nothing was done. Would like to have a Commission take all grievances seriously.

Commissioner Corey Runte spoke about that being false that an employment attorney was involved. No one is going to vote for a taxpayer-funded lawsuit. We can review policies and procedures, have a mailbox, and not have fobs.

Vice Mayor Sherri Quarrie spoke about the previous grievances were taken to legal, addressed, and dismissed.

Mayor Alison Dennington spoke about the grievances were never retracted.

Steve Walters – 416 Sixth Ave – Spoke about the prior Town Hall building where Commissioners had key fobs to access the front door to the building and their mailbox and met with residents. The new Town Hall building used to have a Commission meeting room, but it is now the Town Clerk's office. The policy cannot be changed by the Police Chief. If it needs to be changed a Commissioner can put it on the agenda.

Jim Simmons – 409 Avenue B – Spoke about it would be prudent to change the policies, put the mailboxes in the front lobby, and allow Commissioners to access the front lobby. Guesses the policy changed because we never thought there would be a Mayor with 3 open lawsuits against the Town who could root through all of the files.

Julie Samuels – 2320 S River Rd – Spoke about how people stop listening because they do not like someone. Spoke about her experience with the Town Manager. She does only follow policies when she wants to. After she said something during a public meeting then she had additional roadblocks and hurdles she had to follow. Is all for the Boards having as many events as they want, but all should need to follow the same rules.

Town Manager Elizabeth Mascaro spoke about the EAB event was significantly smaller so they did not need to have police and porta potties. Whereas the Parks Board event was as big as Founders Day which is why those items were needed.

Christina Keshishian – 313 Hibiscus Trl – Spoke about previously being on the EAB and when the Town Manager attended the meetings she would be clerical with her requirements, and that is not a critique that is consistency.

Frank LaGrassa – 412 First Ave – Asked if the Commissioners have jobs. Maybe if the Mayor sues she will find something. She would be suing the Commission on behalf of the residents. Need transparency on employee salaries and benefits in dollars.

Commissioner Corey Runte spoke about the Commissioners did have key fobs, but they were asked to return them.

Anna Butler – 312 Avenue A – Spoke about how trust has eroded and no relationship can work without trust. Forgot about what is important. What is the master plan, are people being heard? This is really difficult to sit through. Is this irreparable? How are we going to figure this out to make sure the Town is the focus? This has got to stop.

Kate Wilborn – 502 Second Ave – Spoke about there being a lot of fighting, hopes Robert Baldwin does not just follow along with things. We need to see transparency, and fairness, and to protect the Town. Look at what is in the Town's best interest.

Commissioner Corey Runte made a motion to decline any sort of investigation whatsoever legally via lawsuit or whatever it may be, and would approve reviewing an updated set of policies and procedures; Commissioner Marivi Walker seconded; Motion carried 5-0.

Commissioner Robert Baldwin spoke about how the way things are worded can blow things out of proportion. If there is a policy not being followed, let's talk about it.

Mayor Alison Dennington spoke understanding if you had walked in her shoes.

Commissioner Robert Baldwin spoke about one task on the dais is not letting all of the other things affect the current item.

Commissioner Corey Runte spoke about how we have got to move past the settled lawsuits and move forward including himself. The Mayor did not need to threaten a lawsuit to get this done. We have got to move on and work together. Thinks the Mayor is receiving bad information from a few residents who want turmoil.

Mayor Alison Dennington spoke about having Commissioner Corey Runte take his own advice.

E. Consideration on a private provider for the Building Official – Town Manager Elizabeth Mascaro – 4:34:44

Town Manager Elizabeth Mascaro spoke about the Building Official leaving and the Town is required to have a building official. The Town is currently advertising for a new building official, but until that happens the Town has to have a building official. The Town currently has a contract with Veritas to fill in when the Building Official is on vacation, but they have not been able to fill in yet. Received a quote from Universal, and asked for a quote from SAFEbuilt but we have not received anything back.

Mayor Alison Dennington spoke about how she would have liked to immediately receive an email and schedule a meeting. Would like to bid it, but can fill the emergency with someone.

Town Manager Elizabeth Mascaro spoke about how it would be best to have an employee instead of contracting it out because they typically do not care about the Town and only come three days a week, but in the meantime, this would fill the gap.

Mayor Alison Dennington asked about how long the job posting will be posted.

Town Manager Elizabeth Mascaro spoke about the position being posted now, but the responses are people thinking they are licensed because they have a driver's license.

Commissioner Robert Baldwin asked what the contracted date would be.

Town Manager Elizabeth Mascaro spoke about the contract would require a 30-day notice.

Vice Mayor Sherri Quarrie asked how to keep the Building Department in the black if the contractor would be working fewer hours.

Town Manager Elizabeth Mascaro spoke about the Building Official would no longer be reviewing plans, so all plans would go to the Town Planner and the Planning and Zoning Board like they used to.

Commissioner Corey Runte spoke about the Town has to do this no matter what, but could set a time frame of not to exceed 4 months and review it then.

Mayor Alison Dennington asked the Town Attorney Ryan Knight what would happen if the Town had to continue to renew the contract over and over.

Commissioner Corey Runte spoke about not bidding private provider contractor work.

Commissioner Marivi Walker spoke about in theory the contractor could be the Building Official for the Town forever and that would not be in violation of anything.

Mark Formica – 215 Birch Ave – Asked why did it take so long to do this.

Commissioner Corey Runte spoke about everything has to be voted on by the Commission.

Frank LaGrassa – 412 First Ave – Spoke about being a supporter of the Mayor, and believing Commissioner Corey Runte’s words as he sounded sincere.

Commissioner Corey Runte made a motion to approve private provider for building official not to exceed four months based on the information presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

The Commission decided Consent Agenda Items A through I which were moved to New Business Items G through O will be tabled to the next meeting.

- F. Consideration on changing the date for the October Regular Town Commission Meeting – Town Clerk Amber Brown- 4:49:37

Town Manager Elizabeth Mascaro spoke about the Town Clerk will be away at a clerk conference when the October Regular Commission Meeting is scheduled.

Commissioner Corey Runte spoke about tentatively pushing the meeting to October 23rd.

- G. Approval of the Special Town Commission Meeting final minutes September 6, 2024

Tabled to the next meeting

- H. Approval of the Special Town Commission Meeting – Tentative Budget Hearing final minutes September 6, 2024

Tabled to the next meeting

- I. Approval of the Town Commission Workshop final minutes August 27, 2024

Tabled to the next meeting

- J. Approval of the Town Commission Workshop final minutes August 22, 2024

Tabled to the next meeting

- K. Approval of the Special Town Commission Meeting final minutes August 21, 2024

Tabled to the next meeting

- L. Approval of the Regular Town Commission Meeting action minutes August 21, 2024

Tabled to the next meeting

M. Approval of the Town Commission Workshop final minutes July 3, 2024

Tabled to the next meeting

N. Approval of the Town Commission Workshop final minutes June 18, 2024

Tabled to the next meeting

O. Approval of the Regular Town Commission Meeting final minutes May 15, 2024

Tabled to the next meeting

13. Administrative Reports

A. Town Attorney – 4:52:00

1) Outline of the code enforcement process

Tim Reed - 302 Fourth – Spoke about the memo using the word reasonable which is vague. There should be a table to provide a guide because subjective is not good.

Town Attorney Ryan Knight spoke about it being vague because the time depends on the type of violation. Reasonable is up to the Code Enforcement Officer.

B. Town Manager – 4:55:16

Town Manager Elizabeth Mascaro spoke about the curb work on Riverside will begin next week.

14. Commission Reports**15. Task List****16. Public Comment****17. Adjournment**

Commissioner Robert Baldwin moved to adjourn; Commissioner Marivi Walker seconded, Motion carried 5-0.

Meeting adjourned at 11:30 p.m.

ATTEST:

Alison Dennington
Mayor

Amber Brown, CMC
Town Clerk

Town Commission Meeting

Section: Unfinished Business
Meeting Date: December 18, 2024
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.

Recommendation:

Discuss the proposed language changes for the vacation rental ordinance.

Attachments:

Draft of the vacation rental ordinance changes.

ORDINANCE NO. 2024-05

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.

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 ~~strikethrough~~; 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.

(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 or 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 regulation 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 presently located within the 1-RS, 2-RS, 3-RS, 4-RM, 5-RMO, and 8-B zoning districts of the Town of Melbourne Beach.

(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.

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 guests 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 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, 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. Every day of such operation without registration shall constitute a separate violation.

§ 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 VACATION RENTALS.

The provisions of § 74-15 through § 74-23 will not become effective for existing vacation rental properties until August 1, 2020. 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.

§ 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, 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 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 two years 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, plus two occupants in one common living area.

(2) A total of eight (8) 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 of 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~~ 8 occupants for a period not to exceed ten years. Vacation rentals that have an occupancy of ~~12~~ 8 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, any grandfathering determination shall be deemed abandoned and shall no longer be applicable to the previously registered vacation rental.

§ 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 three (3) 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.

§ 74.39. NOISE REGULATIONS; EXCEPTIONS.

No person located in or around 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 in the RS-1 single family residential district 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: December 18, 2024
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.

Recommendation:

Discuss the proposed language changes for the noise ordinance.

Attachments:

- Draft of the noise ordinance changes
- Brevard County's noise ordinance

ORDINANCE NO. 2024-06

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 underline; deletions indicated by ~~strikethrough~~; 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>Residential¹</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 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 government; providing all equipment is operated in accord with the manufacturers'

¹ The Town's zoning map shall be relied upon for purposes of defining residential use properties.

- 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.
- (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a permit therefor 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 in writing 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.

§ 48-8. LICENSE FOR USE OF LOUDSPEAKERS OR PUBLIC ADDRESS SYSTEMS.

- (a) Loudspeakers or public address systems used to produce sound signals from any source for either advertising or other purposes shall not be operated on or over public property and public rights-of-way, unless a license has been issued by the Town Manager. Such systems may be used Monday through Saturday during daylight hours only. No such systems shall be used, except systems used by police officers and/or Town employees acting in an official capacity, systems approved in conjunction with special permits and special events approved by the Town Manager and special uses approved by the Town Commission.
- (b) Favorable recommendation of the police chief is required before issuance of a license. Such a recommendation must be given if the proposed activity will not violate any ordinance and will not endanger the public health and safety.
- (c) No loudspeakers or sound-amplifying devices shall be operated pursuant to this section within the hours of 8:00 p.m. and 8:00 a.m.
- (d) No loudspeakers or sound-amplifying devices shall be allowed to operate pursuant to this section during any hour of the day or night that exceeds the maximum permissible sound levels as described in section 48-4 unless a special permit for relief from the maximum allowable noise level limits established in this article has been approved by the Town Manager.

§ 48-2 9. 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).

In the event that a person contests the citation issued him or her, or if he or she is convicted of the above charge, the court will set the fine in an amount not exceeding the statutory limits plus any costs the court may impose. The Town may also seek payment of outstanding expenses as restitution.

§§ 48-3 10. – 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

PART II - CODE OF ORDINANCES
Chapter 46 - ENVIRONMENT
ARTICLE IV. NOISE

ARTICLE IV. NOISE¹

Sec. 46-126. 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. Definitions of technical terms used in this article which are not defined in this section shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI) or the American Society for Testing and Materials (ASTM) or their successor bodies.

Agricultural means any area that is being lawfully used for an agricultural use pursuant to the county's land development regulations.

Ambient noise sound means the surrounding or steady background sound associated with a given environment, exclusive of a particular sound being tested, being usually a composite of sounds from many sources near and far, exclusive of intruding sounds from isolated identifiable sources.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network on a sound level meter that meets the standards set forth in ANSI Standard S.1.4-1983 (or more recent version). The level is designated dBA.

Adjoining property means property which shares a contiguous boundary with another property.

ASTM means the American Society for Testing and Materials or its successor body or bodies.

Amplified sound means any sound or noise, including the human voice, that is increased in volume or intensity by means of electrical power.

ANSI means the American National Standards Institute or its successor body or bodies.

C-weighted sound level means the sound pressure level in decibels measured using the C- weighting network on a sound level meter that meets the standards set forth in ANSI Standard S1.4-1983 (or more recent version). The level so read is designated "dBC."

Commercial use means any area that is being lawfully used for a commercial use pursuant to the county's land development regulations.

Continuous sound means a sound which remains essentially constant in level during a period of observation.

¹Editor's note(s)—Ord. No. 2023-18, § 2, adopted August 22, 2023, repealed the former Art. IV, §§ 46-126—46-131, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Ord. No. 93-09, §§ 2(14-20.42(D)(1)(a)—(f)), 2(14-20.42(D)(1)(h)), adopted May 18, 1993; Ord. No. 94-01, § 2, adopted Jan. 11, 1994; Ord. No. 94-14, § 2, adopted June 21, 1994; Ord. No. 95-14, § 1, adopted March 21, 1995; Ord. No. 95-58, §§ 1(A—E), adopted Dec. 12, 1995; Ord. No. 01-45, § 3, adopted Sept. 4, 2001.

State law reference(s)—Motor vehicle noise generally, F.S. §§ 316.272 et seq., 403.415; noise from watercraft, F.S. § 327.65.

Construction activity means any site preparation, assembly, erection, substantial repair, alteration, improvement or similar action on real property, whether publicly or privately owned, and whether above ground or below ground.

Daytime hours means 7:00 a.m. to 10:00 p.m.

Decibel (db) means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, including work necessary to restore property to a safe condition following an emergency.

Enforcement officer means all officers authorized to enforce the provisions of this article, including, but not limited to, Brevard County code enforcement officers and the county sheriff and his duly authorized deputies.

Impulsive sound means non-repetitive sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions and drop force impacts.

Industrial use means any area that is being lawfully used for an industrial use pursuant to the county's land development regulations.

Institutional use means any area that is being lawfully used for an institutional use pursuant to the county's land development regulations.

Leq means the average sound level.

Motor vehicle means a self-propelled vehicle not operated upon rails or guideway and including, but not limited to, automobiles, passenger cars, motorcycles, trucks, trailers, semitrailers, truck tractor and semitrailer combinations, or any other vehicle operated on the roads used to transport persons or goods.

Muffler means any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

Necessary activity means any activity analyzed and determined by the county to be an activity that cannot be avoided for the purpose of construction, public safety, constitutionality, or any other activity otherwise prohibited which the county considers acceptable to be permitted for a limited period of time.

Necessary business equipment means equipment physically affixed, joined, or connected to the outside of a building, and without which a business located inside the building would not be able to operate. Examples include but are not limited to heating and air conditioning units, electrical generators, water pumps, ventilation systems, and air/water chillers.

Neighboring property means property which does not share a contiguous boundary with another property, but which is close enough in proximity to be affected by sound produced on the other property.

Nighttime hours means 10:01 p.m. to 6:59 a.m.

Noise is a type of sound which disturbs a reasonable person of ordinary sensibilities or which causes or tends to cause an adverse psychological or physiological effect on a reasonable person of ordinary sensibilities. "noise" includes, but is not limited to, low frequency sounds caused by amplified bass music that can induce vibration in building structures or human beings.

Noise disturbance means any sound or vibration or combination of sounds or vibrations which:

- (1) May disturb, annoy, or be harmful or injurious to the health or welfare of a reasonable person of ordinary sensibilities; or
- (2) Which, because of its volume or quality or time of day, tends to annoy, disturb, frighten, or otherwise cause an adverse psychological or physiological effect upon a reasonable person of normal sensitivity, or unreasonably prevents such person from being able to enjoy her or his activities of daily living; or
- (3) Exceeds the maximum allowable limits set forth in this article.

Person shall mean and include any officer, employee, department, agency, or instrumentally of the state or any political subdivision of the state and shall include a natural person and any corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

Plainly audible means any noise, sound, or component of sound produced by any source, or reproduced by a radio, audio visual equipment, sound equipment, sound amplification device, exterior loudspeaker, musical instrument and similar devices, or other mechanical or electronic sound-making device, for which any of the content of that sound is unambiguous, verifiable, and discernible above ambient levels by a person using his or her unaided hearing faculties, including, but not limited to, comprehensible musical rhythms, understandable speech, or rhythmic bass, or that can be clearly heard by a person using his or her normal hearing faculties, at a distance from the property line or right-of-way line of the source of the noise as follows:

Time of Day	Distance
Daytime hours	300 feet or more
Nighttime hours	150 feet or more

Without in any way limiting the foregoing, the detection of a rhythmic bass reverberating type of noise is sufficient to be plainly audible.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, or alley or similar place which is owned or controlled by a governmental entity and includes all property interests as set forth in the definition of the term at F.S. § 334.03, or its successor provisions.

Public space means any real property, including any structure thereon, which is owned or controlled by a governmental entity.

Pure tone means any sound which can be distinctly heard as a single pitch or as a set of single pitches.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property division, otherwise defined as the imaginary line along the ground surface, including its vertical extension that separates one parcel of real property from another; or the vertical and horizontal boundaries of a dwelling unit that is one unit in a multi-dwelling-unit building.

Receiving property means the property which receives the transmission of sound.

Residential use means any area that is being lawfully used for a residential use pursuant to the county's land development regulations.

RMS sound pressure means the square root of the time averaged square of the sound pressure, denoted P_{rms} .

Short duration and *non-repetitive* mean any sound with a duration of less than thirty seconds.

Sound means an oscillation, including temporal and spatial oscillation, in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and

rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound equipment means any radio, record player, compact disc player, stereo, television, tape deck or player, Bluetooth speaker, loudspeaker, amplifier, sound truck, or other device for producing, reproducing, or amplifying sounds.

Sound level means the conversion of sound pressure to a logarithmic measure called the decibel. The criteria required to properly define the sound level limits include the following:

- (1) The actual sound level limit with the frequency weighting to be used, such as A-weighting or C-weighting (e.g. 55 dBA, 60 dBA, etc. or 60 dBC, 65 dBC, etc.)
- (2) The acoustical metric to be used, such as real time measurement using fast/slow time constant, an average sound level (Leq), a maximum sound level (Lmax), etc. or a combination of multiple metrics.
- (3) The time duration of the measurement (e.g. instantaneous, time average, percentage of time sound level is not to be exceeded, etc.)

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in American National Standards Institute 1.4-1971 as amended from time to time.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per square meter ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

Vessel means a watercraft used or capable of being used as a means of transportation on water.

Vibration means a temporal and spatial oscillation of displacement, velocity, or acceleration in a solid material.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-127. Statement of public policy.

The Board of County Commissioners finds and declares that:

- (1) Excessive noise is a serious hazard to the public health and welfare and the quality of life in a close urban society.
- (2) A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
- (3) Certain noise-producing equipment is essential to the quality of life in the community and should be allowed to continue at reasonable levels with moderate regulation.
- (4) Each person has a right to an environment reasonably free from noise which jeopardizes health, welfare, or unnecessarily degrades the quality of life.
- (5) It is the policy of this county to promote an environment free from excessive noise, otherwise properly called noise pollution, which unnecessarily jeopardizes the health and welfare and degrades the quality of the lives of the residents of this community, without unduly prohibiting, limiting, or otherwise

regulating the function of certain noise-producing equipment which is not amenable to such controls and yet is essential to the economy and quality of life of the community.

- (6) Noise exceeding certain levels or durations and during specific times of day can be detrimental to the health, safety, and welfare of the citizenry, and may infringe upon an individual's right to peaceful and quiet enjoyment of their activities of daily living. It is the policy of the county to prohibit noise disturbances or unreasonably loud noise from all sound sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Brevard County.
- (7) Nothing in this article is intended to deter individuals from lawfully exercising the individual right of freedom of speech, or any other freedom guaranteed under the constitutions of the United States of America or of the State of Florida, or to unreasonably limit or restrain commercial or industrial enterprises.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-128. Purpose and application.

- (a) The purpose of this article is to establish standards for the control of noise pollution in the unincorporated areas of Brevard County by setting maximum permissible sound levels to protect the public health, comfort, convenience, safety, prosperity, and general welfare.
- (b) It is the general and specific intent of this article to implement the public policy of the Board of County Commissioners relative to the protection of the public health, safety, and welfare with regard to the regulation of sound and noise.
- (c) This article shall apply to the control of all noise originating within the unincorporated areas of Brevard County except where a state or federal agency has adopted a different standard or rule than that prescribed within this article and has so preempted the regulation of noise from a particular source as to render this article inapplicable thereto.
- (d) Except as allowed in this article, it is prohibited and unlawful for a person to willfully engage in any activity on any premises or public space in the unincorporated areas of Brevard County, which activity produces or constitutes a noise disturbance on adjoining or neighboring properties or public spaces or otherwise violates the provisions of this article.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-129. Exempt activities or actions.

This article shall not apply to the following:

- (1) The reasonable emission of sound for the purpose of alerting persons to the existence of an emergency when such emergency exists or is reasonably believed to exist such as, but not limited to, the sound or noise of safety signals, warning devices, fire alarms, burglar alarms, civil defense alarms, sirens, whistles, emergency pressure relief valves, cries for emergency assistance, and warning calls. Testing of a stationary emergency signaling device may occur at the same time of day each time the test is performed, but not before 9:00 a.m. or after 5:00 p.m. Any such testing shall use only the minimum cycle test time; provided, however that test times shall not exceed 60 seconds.
- (2) The reasonable emission of sound in the performance of governmental or governmentally authorized emergency work including, but not limited to, radios, sirens, horns, and bells on emergency vehicles while performing in conjunction with the official duties of emergency personnel.

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- (3) The unamplified human voice, except those activities prohibited by section 46-130 which relates to unreasonable actions and activities.
 - (4) Sounds reasonably emanating from bona fide farm operations on land classified as agricultural land by the Brevard County Property Appraiser and which are exempt from local government regulation pursuant to F.S. § 823.14, the "Florida Right to Farm Act," as amended.
 - (5) Rail and air transportation and public mass transportation vehicles, operations, and equipment relating thereto while operating in conformity with controlling federal or state law which are preempted from regulation by the county.
 - (6) Special events approved by the county, within such hours as may be imposed as a condition for the issuance of the permit and subject to any limitations placed upon noise in the permit.
 - (7) The emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty, when preempted from regulation by the county.
 - (8) The emission of sound in the legal discharge of weapons or in fireworks displays permitted by the county or on such dates that fireworks are otherwise authorized by controlling state law and applicable county ordinance.
 - (9) Landscape maintenance equipment with stock sound arrestor between the hours of 7:00 a.m. and 8:00 p.m., provided that all equipment is reasonably operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition.
 - (10) Motor vehicles operating on a public right-of-way in compliance with F.S. ch. 316 and § 403.415, as amended. Such exception shall not apply to noise or sound prohibited under section 46-130.
 - (11) Vessels operating upon any watercourse, lake, river, or swamp. Such exception shall not apply to noise or sound generated by vessels impacting abutting land areas, unless located at or on a properly zoned marina vessel repair shop or manufacturing facility, or to noise or sound prohibited under section 46-130.
 - (12) Any residential unit with air-conditioning or pool pump equipment when in reasonable mechanical condition operating with the standard sound and vibration control systems typically provided by the manufacturer in a sound level not to exceed 60 dBA or 65 dBC. Air conditioning units are presumed to be in reasonable mechanical condition if the unit meets the sound specifications contained in the Air Conditioning, Heating, and Refrigeration Institute's ("AHRI") Applied Directory of Certified Product Performance Variable Air Volume terminals.
 - (13) Impulsive sounds which are emanating in a manner consistent with the provisions of this article.
 - (14) Sport shooting ranges in compliance with F.S. §§ 790.33 and 823.16, as amended, and operating in a manner that is preempted from regulation by the county.
 - (15) Activities on or in county and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.
 - (16) Sound or noise emanating from any school facility between the hours of 7:00 a.m. and 5:00 p.m.
 - (17) Sound or noise emanating from county permitted concerts, street fairs, festivals, or other public celebrations produced, sponsored, or approved by the county and other similar county events held between the hours of 7:00 a.m. and 11:00 p.m. and in accordance with an associated special event permit.

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- (18) Construction activity performed within the hours permitted by section 46-33, provided that all equipment is operated in accordance with manufacturer's specifications and equipped with all noise-reducing equipment in proper condition.
 - (19) The reasonable use of necessary business equipment, provided that such equipment is operated in accordance with manufacturer's specifications, is in good working order, and is equipped with appropriate noise-reducing equipment and any reasonable screening; provided, however, that necessary business equipment shall not include equipment that broadcasts sound or noise from a business conducting entertainment activities.
 - (20) The collection of garbage, recyclables, or yard waste between the hours of 5:00 a.m. and 9:00 p.m. or as set forth in a solid waste franchise agreement with the county.
 - (21) The operation of tow trucks while assisting motorists or towing disabled vehicles.
 - (22) Air blasts as a result of mining activity as regulated by the Florida State Fire Marshal.
 - (23) Church or clock carillons, bells, or chimes during daytime hours.
 - (24) Law enforcement activities, including training.
 - (25) Launches approved by the National Aeronautics and Space Administration, the United States Space Force, the Federal Aviation Administration, or other appropriate federal agency having jurisdiction.
 - (26) Any other sound authorized by county permit or county contract, but only to the extent allowed by such permit or contract.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-130. Specific activities prohibited.

The following actions and activities are prohibited and unlawful:

- (1) Peddling, hawking, vending or barking by shouting or raised voice within any residential or commercial area in the county including, but not limited to, shouting, crying out by peddlers, hawkers, or vendors along or on a roadway.
- (2) Loading and unloading boxes, crates, containers, building materials, garbage cans, or similar objects during nighttime hours as to create a noise disturbance across a residential real property boundary.
- (3) Motor vehicle or vessel repairs, rebuilding, modifying, and testing in such a manner as to cause a noise disturbance across a residential real property boundary.
- (4) The sounding of any horn or signal device on any motor vehicle for an unnecessary or unreasonable period of time, or when directed to another person without a legitimate purpose and for the purposes of harassment.
- (5) The use of any siren upon any vehicle other than police, fire, ambulance, or other emergency vehicles.
- (6) The intentional projection, creating, making, or maintaining of any noise from any drum, cymbals, music, loudspeaker, or other instrument or device onto adjoining or neighboring properties for the purpose of attracting attention by creation of noise to any business, location, performance, show, event, sale, or display of merchandise, or place of business, except for activities permitted during a special event.
- (7) Operating any internal combustion engine including, but not limited to, an engine associated with a vessel or motor vehicle, without a muffler or other device at least as effective as that installed as

original equipment by the manufacturer, which will effectively prevent loud or explosive noises therefrom.

- (8) Operating any motor vehicle or vessel so out of repair, or so loaded or in such manner as to create loud, grating, grinding, rattling, so as to create a noise disturbance.
- (9) Yelling, shouting, hooting, whistling, singing, or the making of similar noises, and loud, boisterous conduct other than normal conversation at reasonable levels, inside of or on the grounds of any public or private property during nighttime hours, so as to create a noise disturbance.
- (10) No amplifier, loudspeaker, or other instrument or device in, upon, or attached to a motor vehicle shall be operated or permitted to be operated for advertising purposes or to attract the attention of the public. Ice cream trucks shall be specifically exempt from this prohibition.
- (11) A noise disturbance.
- (12) Any other violation of this article.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-131. Maximum noise levels established; noise violation based on sound level meters.

- (a) *Sound level limits.* No person shall generate or cause to be generated from any source, sound which, when measured in accordance with the requirements of subsection (d) of this section, exceeds:
 - (1) 60 dBA or 65 dBC if the generating land is a residential property during daytime hours.
 - (2) 55 dBA or 60 dBC if the generating land is a residential property during nighttime hours.
 - (3) 65 dBA or 70 dBC if the generating land is a commercial or institutional use during daytime hours.
 - (4) 55 dBA or 60 dBC if the generating land is a commercial or institutional use during nighttime hours.
 - (5) 75 dBA or 80 dBC if the generating land is an industrial use during daytime hours.
 - (6) 65 dBA or 70 dBC if the generating land is an industrial use during nighttime hours.
- (b) *Correction for character of sound.* For any source of sound which emits a continuous pure tone, the maximum sound level limits set forth in subsection (a) shall be reduced by 5 dBA or 5 dBC. For any impulsive sound, the maximum sound level limits set forth in subsection (a) shall be increased by 5 dBA or 5 dBC during daytime hours. Impulsive sound is not permitted during the hours of 10:00 p.m. to 7:00 a.m.
- (c) *Correction for ambient noise sound.* Corrections for ambient noise sound should be made in accordance with applicable ASTM standards.
- (d) *Methods of measurements.*
 - (1) Enforcement of this article does not require the use of a sound level meter to determine compliance. However, when a sound level meter is used to determine sound levels pursuant to this article, the standards, instrumentation, personnel, measurement procedures, and reporting procedures shall be as specified in this section.
 - (2) Sound level measurements shall be made with a sound level meter using the A-weighted or C-weighted scale which shall be set on slow response as technically appropriate.
 - (3) Sound level meters shall be serviced, calibrated, and operated as recommended by the manufacturer. Persons using the sound level meter shall be trained or otherwise experienced in sound level measurement and the operation of sound level meters.

- (4) Sound level measurements shall be made no closer to the sound source than the real property boundary of the property from which the sound is generated. Whether the sound level violates the prescribed limits of this section will be determined by whether the readings taken are in excess of the levels allowed from the property that is the source of the sound.
- (5) Except with regard to traffic noise and noise from other sources not connected with the sound being measured which shall not be considered in taking sound level measurements, the sound level measurement shall be averaged over a period of at least 30 seconds for purposes of determining the sound level. Sound levels may not exceed the prescribed level by more than three decibels or equivalent measurement at any time during the measurement period.
- (6) During sound level measurement, the microphone shall not be positioned so as to create any unnatural enhancement of the measured sound. A windscreen shall be used when technically appropriate.
- (7) In the case of noise that is impulsive or not continuous, the sound level measurement shall be taken over a period of time of at least one minute. Any such sound or noise that exceeds the prescribed level more than two times in a minute shall be deemed to exceed the prescribed sound levels.
- (8) If an enforcement officer does not have possession of a sound level meter at the time of responding to a noise complaint, sound level measurements for the purpose of determining violations of this section may not be taken using any other device, including, but not limited to, applications on cellular devices or any hand-held personal sound level meters obtained from any other source. The officer shall instead proceed under the other sections of this article in order to determine whether a noise disturbance is occurring.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-132. Noise disturbance prohibited; noise violation based on plainly audible standard.

- (a) It is prohibited and unlawful to cause a noise disturbance.
- (b) Noise determined to be a noise disturbance may be confirmed by an enforcement officer when the officer actually witnesses the sound or noise personally and the noise disturbance is plainly audible without using a sound level meter.
- (c) Violations may be based upon statements and evidence obtained from complaining witnesses when the enforcement officer determines that such evidence is reliable, appropriate, and sufficient.
- (d) Although it is preferable for enforcement officers to use a sound level meter as their primary means of detection, when in the field in many circumstances, the officer's normal hearing faculties will need to be the means of detection, provided the officer's hearing is not enhanced by any mechanical or medical device, such as a hearing aid. In such circumstances, the enforcement officer shall have a direct line of sight and hearing to the real property that is the source of the noise so that the officer can identify the offending source of such noise and the distance involved. The enforcement officer shall assess the noise according to the following standards, factors, and considerations:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The volume and intensity of the background noise, if any.
 - (6) The proximity of the noise to residential sleeping facilities.

-
- (7) The nature and zoning of the area from which the noise emanates.
 - (8) The density of the inhabitation of the area from which the noise emanates.
 - (9) The time of the day or night the noise occurs.
 - (10) The duration of the noise.
 - (11) Statements of any complaining witnesses, including any pictures or audio/video documentation produced by complaining witnesses.
 - (12) Whether the noise is recurrent, impulsive, intermittent, or constant.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-133. Construction; hours of operation; exception; permit.

- (a) It is prohibited and unlawful for a person to operate or permit the operation of any tools or equipment in construction activity, drilling, or demolition work of any type or nature, outside of the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday or at any time on Sunday, except for emergency work or as permitted pursuant to subsection (b).
- (b) Upon application to the building official, a contractor may be approved to exceed the time limitations set forth in this section. Such approval shall be in the form of a permit that shall set forth the days and time frame in which the time limits may be exceeded, and the duration of the permit. The approval shall be based upon the applicant demonstrating by clear and convincing evidence that the public health, safety, and welfare will not be materially harmed, and that there are bona fide construction requirements which support the time limits being exceeded.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-134. Warnings issued.

- (a) When an enforcement officer determines that there is a violation of this article, the enforcement officer shall issue a warning to the person or persons responsible for the noise. The warning shall advise the person or persons of the violation, and of the possible penalty if they fail to eliminate or reduce the noise to within allowable limits. The officer shall document the warning in writing, recording the date, time, property address, and name or identity of the person given the warning.
- (b) After the person or persons responsible for the noise are given such warning, a reasonable time to comply with the warning shall be given. A reasonable time shall generally be deemed immediately or so long as it would take a reasonably diligent person to reduce the noise, but shall not exceed five minutes.
- (c) If the noise is not eliminated or reduced to allowable limits after the warning was given, or if the person or persons so warned comply with the warning but violate this article again after the first warning, the person or persons so warned and not complying shall be subject to the penalties and legal remedies set forth in this article.

(Ord. No. 2023-18, § 2, 8-22-23)

Sec. 46-135. Penalty; code enforcement remedies and powers; special magistrate proceedings; noise disturbances; hearings and orders.

- (a) It is prohibited and unlawful to violate any provision of this article. The enforcement officers shall enforce the provisions of this article and may use any and all lawful powers, authorities, process, and procedures in taking actions to implement and enforce the provisions of this article.
- (b) Any person who violates any provision of this article shall be punished as provided in section 1-7.
- (c) Violations of this article may result in the issuance of a notice of violation and the initiation of code enforcement proceedings as provided in chapter 2 of this Code and F.S. ch. 162. In accordance with the provisions of section 2-173, the county may bring cases before the code enforcement special magistrate alleging that a violation of this article is occurring or has occurred on a parcel of property. It shall not be a lawful defense to a code enforcement proceeding brought pursuant to this article to assert that some person other than the property owner caused the violation. No notice of violation shall be issued against an absentee owner unless at least one of the following applies:
 - (1) The absentee owner was notified of at least two warnings issued by any enforcement officer for a violation of this article within the previous 12-month period. Notice of any previous warnings or violations pursuant to this subsection shall be affected in writing by registered or certified mail.
 - (2) The violation is a repeat violation.

All provisions of section 2-174 shall apply to special magistrate proceedings relating to violations of this article; provided, however, that any order of the special magistrate finding a violation of this article to have occurred shall include a provision that the property shall not be deemed in compliance until it has been free of any noise violations for a period of 30 days.

- (d) In addition to the specific remedies set forth in this article, the county may pursue any and all remedies available to the county under controlling law in any forum or process available to the county.

(Ord. No. 2023-18, § 2, 8-22-23)

Secs. 46-136—46-160. Reserved.

TOWN COMMISSION MEETING

Section: New Business

Meeting Date: 12/18/2024

From: Robert Bitgood, Building Official

RE: Roof Replacement at Old Town Hall

Background Information: Roof is leaking

Recommendation: G&G Roofing Inc. – Stainless fasteners and aluminum components/drip edge/flushing.

Attachments:

Quote: G&G Roofing Inc.

Quote: Collis Roofing, Inc.

Florida Roof Brothers



Safety · Honesty · Integrity

*Flat
Metal
Tile
Shingle*

Customer Name: *Melbourne Beach History Center*
 Street: *2373 Oak St.*
 City / State / Zip: *Melbourne Beach, FL 32951*
 Phone: _____ Email: _____

JOB # *103024-22/7*

Date: *October 30, 2024*

Scope of work includes: **Stainless fasteners and aluminum components/drip edge/flashing**

- Obtaining all required permitting and scheduled inspections
- Removal and disposal of all existing roofing materials *(up to one layer)*
- Inspecting and re-nailing the decking 6" on center with 8d ring shanks in the perimeter and field for local code compliance
- Installing Self Adhering (peel-n-stick, SWR) underlayment on entire home
- Replacing all exposed flashing, drip edge, lead boots, ridge vents, and gooseneck vents
- Installing CertainTeed Landmark 130MPH Limited Lifetime Warranty Dimensional Shingles with CertainTeed starter shingles and CertainTeed hip/ridge caps
- Saving existing soffit, fascia, and gutters with best effort when removal is needed
- 2 Sheets of plywood replacement and 8' of fascia board
- Maintaining a clean and safe work environment through the day along with magnetically sweeping the yard and landscaping for nails
- A Wind Mitigation Inspection Form will be completed (if applicable)

Any additional wood damage **must be replaced to be in compliance with current building codes** at \$68 per sheet of plywood and \$9 per linear foot of fascia. Additional wood replacement prices include all material and labor. Price does not include any painting nor stucco/siding repairs where deteriorated flashing had to be removed and replaced.

ALL WORK COMES WITH A TEN (10) YEAR WORKMANSHIP WARRANTY

TOTAL AMOUNT

\$16,500.00

Additional Notes:

Install a 2ply self-adhering flat roof system on low slope area over porch with granulated cap sheet.

Due to proximity to ocean stainless steel fasteners and aluminum flashing will be used to avoid premature deterioration.

G & G Roofing Construction Inc. _____ Date _____ Customer _____ Date _____

All final payments are due upon 100% completion of the roof unless previously discussed and noted in the contract. Due to the great amounts of weight of the materials G&G Roofing Construction Inc. is not responsible for any damaged or cracked driveways. Although G&G Roofing Construction Inc. takes all necessary precautions to protect all landscaping and keep surroundings as clean as possible during the roofing process, there may be roofing debris found after the fact. If included in the contract, the wind mitigation form will be completed but is considered a service free of charge with the reroof and shall not be held as a reason to withhold final payment. By both parties signing above are in mutual agreement to commence with the work stated above.

Brevard Office 321.301.4470 · Volusia Office 386.689.9285 · Orlando Office 407-917-3932 · Fax 321.301.4471
 456 Gus Hipp Blvd. Rockledge, FL 32955
 info@cflroofing.com www.cflroofing.com
 State Certified Roofing Contractor #CCC1329326 · State Certified General Contractor #CGC1518534



COLLIS ROOFING, INC.

P.O. Box 520668
Longwood, FL 32752-0668
Ph. (321) 441-2300
Fax (321) 441-2313
Lic. # CCC058022

Estimator : Ray Hiltz
Phone # : (407) 755-8044
Email : rhiltz@collisroofing.com

Date:	9/25/2024	Phone:	321-403-6626
Attention:	Town of Melbourne Beach	Email	pwsupervisor@melbournebeachfl.org
Job Address:	2373 Oak St Melbourne Beach Fl 32951		

Collis Roofing, Inc. proposes to supply the labor and materials necessary to apply your roofing as follows:

- A) Remove old single layer of shingles and underlayment and dispose of properly. If existing ice and water barrier is encountered during removal an additional layer of synthetic underlayment will be applied over existing without removal to bare deck. Additional layers of shingles will be billed at \$0.36/sqft.
- B) Inspect existing decking for water damage and re-nail according to code with 8d ring shank nails.
- C) We will remove and replace rotten or deteriorated wood as indicated on page 2 of this contract. (Note: **Wood replacement is not included in the total below**). **Collis Roofing will provide 2 sheets of 1/2" plywood or a \$190.00 woodwork credit. This is not a credit if not used. Initial**
- D) Collis Roofing, Inc. will provide all applicable permits.
 - 1. Supply and install code approved **Owens Corning Rhino G Self-Adhered** underlayment directly to the deck.
 - 2. Supply and install code approved **26ga transition metal from low slope to steep slope**.
 - 3. Supply and install code approved 2 1/2" galvanized painted eave drip and secure to the roof deck with nails around all eaves and rakes (Please specify drip edge color: _____).
 - 4. Secure the eave metal with mastic and then apply **Owens Corning Starter** shingles at all eaves with the seal strip at the edge of the roof.
 - 5. Supply and install all flashings for plumbing penetrations.
 - 6. Supply and install **Owens Corning Hip and Ridge** shingles as required.
 - 7. Supply and install code approved **Owens Corning Vent Sure** shingle over roof vents as required. 8' on both sides of cupola.
 - 8. Supply and install **Owens Corning Lifetime** shingles per manufacturer's specifications and all applicable building codes (Please specify shingle color: _____).
 - 9. Supply and install a self adhered 2 ply modified bitumen system to the low slope roof.

BASE OPTION

Owens Corning Oakridge130 mph wind warranty** Lifetime prorated shingle only warranty ** 5-year workmanship warranty - \$14,800.00 - \$300.00 30-year anniversary promotional discount= \$14,500.00**

BEST OPTION

Owens Corning Duration **130 mph wind warranty Lifetime prorated shingle only warranty ** 5-year workmanship warranty - \$15,300.00 - \$300.00 30-year anniversary promotional discount = \$15,000.00**

TOTAL JOB COSTS- \$ _____ Initial _____

With payment to be made as follows: **50% by commencement: Balance upon completion.**

NOTICE A convenience fee of 3% will be charged to all credit/debit payments.

This proposal is good for 30 days from the above date.

Payments are to be made upon completion of each trade. Company reserves the right to bill proportionately based on percentage of work complete. Customer understands that company may issue a stop work order if requested progress payment is not received. Customer agrees to pay in full at the time of completion of each phase of work. The maximum allowable retainage for any punch-out will be 5% of original contract price.

Respectfully submitted: **Ray Hiltz 407-755-8044 rhiltz@collisroofing.com**

Homeowner / Agent Authorization: _____ Date: _____

Collis Roofing, Inc. Manager Approval _____ Date: _____

*(Contracts are not authorized or enforceable by either party until such time an authorized Collis Roofing Inc. manager / representative has reviewed and approved your project.)



COLLIS ROOFING, INC.

P.O. Box 520668
Longwood, FL 32752-0668
Ph. (321) 441-2300
Fax (321) 441-2313
Lic. # CCC058022

Estimator : Ray Hiltz
Phone # : (407) 755-8044
Email : rhiltz@collisroofing.com

Date:	9/25/2024	Phone:	321-403-6626
Attention:	Town of Melbourne Beach	Email	pwsupervisor@melbournebeachfl.org
Job Address:	2373 Oak St Melbourne Beach Fl 32951		

Collis Roofing, Inc. proposes to supply the labor and materials necessary to apply your roofing as follows:

- A) Remove old single layer of shingles and underlayment and dispose of properly. If existing ice and water barrier is encountered during removal an additional layer of synthetic underlayment will be applied over existing without removal to bare deck. Additional layers of shingles will be billed at \$0.36/sqft.
- B) Inspect existing decking for water damage and re-nail according to code with 8d ring shank nails.
- C) We will remove and replace rotten or deteriorated wood as indicated on page 2 of this contract. **(Note: Wood replacement is not included in the total below). Collis Roofing will provide 2 sheets of 1/2" plywood or a \$190.00 woodwork credit. This is not a credit if not used. Initial _____**
- D) Collis Roofing, Inc. will provide all applicable permits.
 - 1. Supply and install code approved **Owens Corning Rhino G Self-Adhered** underlayment directly to the deck.
 - 2. Supply and install code approved **26ga transition metal from low slope to steep slope.**
 - 3. Supply and install code approved 2 1/2" galvanized painted eave drip and secure to the roof deck with nails around all eaves and rakes **(Please specify drip edge color: _____)**.
 - 4. Secure the eave metal with mastic and then apply **Owens Corning Starter** shingles at all eaves with the seal strip at the edge of the roof.
 - 5. Supply and install all flashings for plumbing penetrations.
 - 6. Supply and install **Owens Corning Hip and Ridge** shingles as required.
 - 7. Supply and install code approved **Owens Corning Vent Sure** shingle over roof vents as required. 8' on both sides of cupola.
 - 8. Supply and install **Owens Corning Lifetime** shingles per manufacturer's specifications and all applicable building codes **(Please specify shingle color: _____)**.
 - 9. Supply and install a self adhered 2 ply modified bitumen system to the low slope roof.

BASE OPTION

Owens Corning Oakridge130 mph wind warranty** Lifetime prorated shingle only warranty ** 5-year workmanship warranty - \$14,800.00 - \$300.00 30-year anniversary promotional discount= \$14,500.00**

BEST OPTION

Owens Corning Duration **130 mph wind warranty Lifetime prorated shingle only warranty ** 5-year workmanship warranty - \$15,300.00 - \$300.00 30-year anniversary promotional discount = \$15,000.00**

Optional Coastal Pkg: Stainless steel roofing coil nails, aluminum eaves drip, and aluminum transition metal-\$1,250.00

TOTAL JOB COSTS- \$ _____ Initial _____

With payment to be made as follows: **50% by commencement: Balance upon completion.**
*****NOTICE*** A convenience fee of 3% will be charged to all credit/debit payments.**

This proposal is good for 30 days from the above date.

Payments are to be made upon completion of each trade. Company reserves the right to bill proportionately based on percentage of work complete. Customer understands that company may issue a stop work order if requested progress payment is not received. Customer agrees to pay in full at the time of completion of each phase of work. The maximum allowable retainage for any punch-out will be 5% of original contract price.

Respectfully submitted: **Ray Hiltz 407-755-8044 rhiltz@collisroofing.com**

Homeowner / Agent Authorization: _____ Date: _____

Collis Roofing, Inc. Manager Approval _____ Date: _____

*(Contracts are not authorized or enforceable by either party until such time an authorized Collis Roofing Inc. manager / representative has reviewed and approved your project.)

WOOD REPLACEMENT

Upon removal of the existing roofing, conditions which require additional work, such as rotten or deteriorated wood, termite damage, or deficiencies in existing roofing sheathings are sometimes encountered. Unless otherwise noted in this agreement, the price quoted does not include removing or replacing fascia, trim, sheathing, rafters, structural members or siding of any type. Replacement of deteriorated wood will not be optional for the security of warranties and will be supplied as disclosed on below. This is above and beyond the roofing quote and does not require an additional signature.

Sheathing and Framing Rates

1/2" - 5/8" plywood roof sheathing - **\$95.00** per sheet

3/4" plywood roof sheathing - **\$105.00** per sheet

1"x4" Pine sheathing - **\$6.50** per linear foot 2"x4" Pine framing - **\$5.00** per linear foot

1"x6" Pine sheathing - **\$6.50** per linear foot 2"x6" Pine framing - **\$5.00** per linear foot

1"x8" Pine sheathing - **\$6.50** per linear foot 2"x8" Pine framing - **\$5.00** per linear foot

1"x10" Pine sheathing - **\$7.00** per linear foot 2"x10" Pine framing - **\$6.00** per linear foot

1"x12" Pine sheathing - **\$8.00** per linear foot 2"x12" Pine framing - **\$8.00** per linear foot

1"x 6" and 1"x 8" Pine T&G sheathing - **\$7.50** per linear foot

Fascia Replacement Rates

1"x4" Pine fascia - **\$7.00**

1"x4" Cedar fascia - **\$8.00**

1"x6" Pine fascia - **\$7.00**

1"x6" Cedar fascia - **\$10.00**

1"x8" Pine fascia - **\$8.00**

1"x8" Cedar fascia - **\$12.00**

1"x10" Pine fascia - **\$9.00**

1"x10" Cedar fascia - **\$14.00**

1"x12" Pine fascia - **\$10.00**

1"x12" Cedar fascia - **\$15.00**

2"x4" Pine fascia - **\$7.00**

2"x4" Cedar fascia - **\$9.00**

2"x6" Pine fascia - **\$7.00**

2"x6" Cedar fascia - **\$10.00**

2"x8" Pine fascia - **\$7.00**

2"x8" Cedar fascia - **\$12.00**

2"x10" Pine fascia - **\$8.00**

2"x10" Cedar fascia - **\$17.00**

2"x12" Pine fascia - **\$10.00**

2"x12" Cedar fascia - **\$20.00**

1"x2" Pine furring strip - **\$3.00** per foot

Flashing Replacement

Base Flashing - **\$3.25** per linear foot

Counter flashing - **\$3.25** per linear foot

I have read and understand the above and acknowledge that the above is an additional charge.

Owner / Agent Signature: _____ Date: _____

Owner / Agent (please print) _____

TERMS AND CONDITIONS

1. Collis Roofing, Inc. ("Contractor") assumes no responsibility for structural integrity of the roof deck or of the building on which the roofing is to be installed. Customer represents all structures to be in sound condition capable of withstanding normal roofing construction and operations. Collis Roofing is not responsible for any roof or structural related issue that may occur as a result of combining a sealed attic system with a self-adhered underlayment.
2. Customer is solely responsible for providing Contractor prior to the commencing of construction with such water, electricity, or other utility as may be required by the Contractor to affect the work covered by this contract. Customer hereby grants to Contractor the right to display signs and advertising at the project site.
3. Manufacturing defects in newly installed roofing products are not a cause for non-payment or delay in payment. Where colors are to be matched, Contractor shall make every reasonable effort using standard colors and materials but does not guarantee a perfect match.
4. This proposal and contract is based upon the work to be performed by Contractor not involving asbestos-containing or toxic materials and that such materials will not be encountered or disturbed during the course of performing the work. In the event that such materials are encountered, Contractor shall be entitled to reasonable compensation for all additional expenses incurred as a result of the presence of asbestos-containing or toxic materials.
5. Customer shall be entitled to order changes and the contract price shall be adjusted accordingly. Upon removal of the existing roofing, conditions which require additional work, such as rotten or deteriorated wood, termite damage, or deficiencies in existing roofing underlayments are sometimes encountered. If the scope of work outlined on the face of this proposal does not contemplate such conditions, Contractor will promptly report the condition to the Customer and take such steps as are reasonably necessary and prudent to protect the building. Unless otherwise noted in this agreement, the price quoted does not include removing or replacing fascia, trim, sheathing, rafters, structural members, siding, masonry, vents, dry-in felt, caulking, metal-edging or flashing of any type. Additionally, if it is determined that the roof has multiple layers of preexisting roofing material or any alteration to or deviation from the specifications described on the front side of this proposal involving extra costs will be billed as an extra charge on a time and material basis. Replacement of deteriorated wood will not be optional for the security of warranties and will be supplied as disclosed on contract. This is above and beyond the roofing quote and does not require an additional signature. All wood replacement will be considered authorized unless cap is specified in writing by homeowner.
6. Contractor shall not be responsible for loss, damage or delay caused by circumstances beyond its reasonable control, including but not limited to cracked driveways, acts of God, weather, accidents, fire, vandalism, regulation, strikes, failure or delay of transportation, shortage of or inability to obtain materials, acts of Owner or agents of Owner. Contractor is not required to remove water from the roof. If the roof(s) need to be unloaded due to high winds or storms, Customer agrees to reimburse Contractor for labor and equipment costs for unloading and reloading the roof(s). If gutter and/or downspouts are to be removed to facilitate a re-roof, Contractor shall not be held responsible for any damage caused by removal and/or re-installation of gutter and/or downspouts. If Contractor discovers a pre-existing condition that is causing damage to property or the structure of a home, or prevents Contractor from completing its duties hereunder, Contractor shall contact Customer immediately.
7. Customer is to carry property and casualty insurance, including coverage for fire, wind damage and vandalism.
8. Customer acknowledges that re-roofing may cause vibration, disturbance, dust or debris to fall around or into the home. Customer agrees to remove or protect property directly below or adjacent to the roof in order to minimize potential damage. Contractor shall not be responsible for disturbance, damage, clean-up or loss to property that Customer did not remove or protect prior to commencement of roofing operations. Customer shall notify tenants of reroofing and the need to provide protection underneath areas being re-roofed. Customer agrees to hold Contractor harmless from claims of tenants who were not so notified and did not provide protection.
9. Contractor and Customer are committed to acting promptly so that roof leaks are not a source of potential interior mold growth. Customer will make periodic inspections for signs of water intrusion and act promptly, including notice to Contractor if Customer believes there are roof leaks, to correct the condition. Upon receiving notice, Contractor will make repairs promptly so that water entry through the roofing installed by Contractor is not a source of moisture. Contractor is not responsible for indoor air quality. To the extent that Contractor did not cause damage to the roof that caused the occurrence or exposure to mold, mildew, fungi, spores, and for any other hazardous chemical or biological agent, Customer shall hold harmless and indemnify Contractor from claims arising out of or relating to property damage, personal injury, illness, allergic reactions, disease and/or death resulting from the occurrence or exposure to mold, mildew, fungi, spores, and/or any other hazardous chemical or biological agents. If Customer fails to make periodic inspections for sign of water intrusion and/or fails to act promptly (including notice to Contractor) when Customer believes there are roof leaks, the Customer shall hold harmless and indemnify Contractor from claims arising out of or relating to property damage, personal injury, illness, allergic reactions, disease and/or death resulting from the occurrence or exposure to mold, mildew, fungi, spores, and/or any other hazardous chemical or biological agents.
10. Contractor is not responsible for adequacy of draining or ponding as a result of the original roof design for the building. Contractor does not provide engineering, consulting, architectural or design services, and it is not the intent of the Contractor to alter the original drainage or ponding design for the roof. It is the Owner's responsibility to retain a licensed architect or engineer to determine proper design and code compliance if it desires to alter the original drainage or ponding designs. Contractor is not responsible for the original roof design and shall not alter the draining or ponding schemes for the buildings. Any change in specification or construction necessary to conform to existing or future building codes, zoning laws, or regulations of the inspecting Public Authorities shall be considered additional work to be billed as an extra charge on a time and material basis.
11. Contractor's work will be warranted by Contractor in accordance with its standard warranty. A copy of Contractor's standard warranty is attached or, if not, will be furnished upon request. Contractor **SHALL NOT BE LIABLE FOR SPECIAL OR PUNITIVE DAMAGES**. Notwithstanding any contrary language in the standard warranty, Customer agrees that it shall notify Contractor within five (5) days of discovering any leaks due to the roofing system and/or the Contractor's scope of work pursuant to this contract. Customer's failure to timely notify Contractor of a leak due to the roofing system and/or Contractor's scope of work pursuant to this contract, as required by this paragraph, shall absolve Contractor of ANY liability for damages created as a result of that leak or system failure. Nothing in this paragraph or contract shall extend Contractor's responsibility beyond the time limits of the warranty and/or Florida Statute. Customer and Contractor agree that Contractor's liability for all damages found to be due to a leak in the roof system and/or Contractor's scope of work pursuant to this contract shall be limited to no more than \$15,000.00 per occurrence. If an individual or entity other than Collis Roofing Inc. performs roof cleaning on the Collis Roofing applied roof, any and all warranties will be void.
12. Customer acknowledges and understands while the Contractor is actively completing the work under the contract, the work environment, including all roof areas, is a dangerous environment. Customer agrees not to interfere with the contractor from performing the duties under this contract. Customer agrees not to enter the work environment while work is being performed under this contract.
13. This contract shall be governed by Florida law and any action filed by either party as a result of a dispute resulting from or arising out of this contract or the transactions contemplated hereby shall only be filed in the Circuit Court in and for Seminole County Florida. I agree that if Collis Roofing, Inc. is required to take any action to enforce this contract I shall pay Collis Roofing Inc.'s attorney fees and costs, whether or not a suit is filed.
14. Contractor will provide a written release of lien, upon request, following receipt of final payment on the contract.
15. **WAIVERS OF SUBROGATION.** The Buyer waives all rights against Collis Roofing and any Collis Roofing's subcontractors, sub-subcontractors, agents and employees, for damages caused by fire or other causes of loss to the extent covered by property insurance obtained by Buyer or other property insurance applicable to Collis Roofing's work. The insurance policies shall provide such waivers of subrogation by endorsement or otherwise in favor of Collis Roofing. A waiver of subrogation shall be effective as to Collis Roofing or sub-entity even though Collis Roofing or sub-entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged.
16. **DISCLAIMER OF IMPLIED WARRANTIES. COLLIS ROOFING DISCLAIMS, AND BUYER ACKNOWLEDGES ACCEPTANCE OF SAME AS TO ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THOSE OF FITNESS FOR A PARTICULAR PURPOSE, HABITABILITY AND MERCHANTABILITY, WHETHER OTHERWISE ARISING BY LAW, CUSTOM, USAGE, TRADE PRACTICE, COURSE OF DEALING, OR COURSE OF PERFORMANCE.** There are no warranties which extend beyond those express warranties contained in this Agreement. Buyer affirms that it has not relied upon Collis Roofing's skills nor judgment in selecting the roofing services and materials provided by Collis Roofing.
17. This agreement constitutes the entire contract by and between Contractor and Owner and the parties are not bound by oral expression or representation by any party or agent of either party. The above pricing, specifications and conditions are hereby accepted. You are authorized to do the work as specified.

REV. 11/18



Brevard
478 Martin Road SE Unit
107
Palm Bay, FL 32909
Phone: (321) 446-1702

Fax: (321) 914-0586

Company Representative
Jared Heideman
Phone: (321) 378-6649
jared@floridarooftbros.com

11/21/2024

Robert Bitgood
2373 Oak Street
Melbourne Beach, FL 32951
(321) 724-5860

Job: 7911: Robert Bitgood

Roofing Section

Tear Off

- * Remove one layer of existing shingles and underlayment to expose roof decking, if applicable.

Flat Roof Tear Off

- * Remove existing roll roofing and underlayment, if applicable.

Plywood

- * Inspect all decking for structurally damaged wood and replace up to FIVE sheets at no additional cost, as needed for roof replacement. We include 20ft of fascia replacement at no cost. Any additional fascia wood replacement will be billed at \$6 per linear foot.

Nail Off

- * Re-nail roof decking with 8D ring shank nails, every 6", per Florida Building Code.

Dry In

- * Install self-adhering peel and stick moisture barrier (underlayment), secured with metal simplex nails on all end-laps and head-laps, per Florida Building Code.

Drip Edge

- * Install new 2.5" 26g aluminum drip edge in either white or brown, secured with 1.25" coil shingle nails every 4", followed by modified adhesive (roofing cement) to cover nails, as per Code.

2-Ply Torch Down Roll Roofing

- * First, we install a peel and stick base sheet (underlayment) over existing substrate. Second, we heat weld the white granulated torch down roll roofing (cap sheet) to the base sheet to ensure a double layer of protection.

Valley

- * Install new 26g galvanized valley metal in all valleys, secured with 1.25" coil shingle nails every 4" with edges and nails sealed with modified adhesive (roofing cement).

Starters

- * Install new shingle starter strips on all eaves.

Pipe Penetrations

- * Install new lead boots and gooseneck vents around all pipe penetrations, secured with 1.25" shingle coil nails followed by modified adhesive (roofing cement) and color matched to your shingle selection.

Shingles

- * Install new 130mph rated dimensional shingles of your choice, secured with six 1.25" shingle nails, per Florida Building Code.

Ridge Vent

- * Install new shingle-over ridge vent system to maximize attic ventilation.

Shingle Warranty

- * Florida Roof Bros warranties shingle roofs for 10 years on workmanship.

Manufacturer Material Warranty

- * Shingle manufacturers offer a limited lifetime warranty on shingles (details in shingle brochure and product website).

Permit

- * This estimate includes all associated permit fees and required inspections.

Clean Up

- * This estimate includes all trash hauling. Tarps are canvassed around property to collect debris. We run a magnet roller around entire house

multiple times throughout the re-roof process to ensure the grounds are clean of debris.

Other

* Although we are as careful as possible, Florida Roof Bros will not be responsible for any damage to A/C, plumbing, or electrical lines in the attic, foliage, driveways, or gutters. If gutters are to be saved, We will use extreme caution in removing gutters but cannot guarantee they won't be damaged during the re-roof process and will not be held responsible.

Payments

* Final payments are to be made upon completion roof replacement. Gutters and wind mitigations are not considered part of the project, but offered as a service to our customers through a third party company and shall not be used as a reason for any delay of final payment. There will be a 3.5% processing fee for all debit/credit card transactions. All prices quoted are valid for 30 days from date stated on estimate.

Wind Mitigation

* This estimate includes a FREE wind mitigation after final inspection has passed.

WOOD REPLACEMENT

Sheathing Rates

1/2" - 5/8" plywood roof sheathing - \$100.00 per sheet.

3/4" plywood roof sheathing - \$120.00 per sheet.

Surface Mount Wall Flashing

* Surface mount wall flashing will be billed per linear foot. There will be an additional charge if stucco needs to be cut. Florida Roof Bros is not responsible for stucco work or paint.

Additional Layers

If there is existing peel and stick underlayment, we install a double layer of synthetic moisture barrier. This is because a new layer of peel and stick will not adhere to the existing peel and stick. The SWR credit will still be applied to homeowners insurance policy.

Existing Substrate

* Due to Florida Building Code roof deck attachment requirements on residential reroofs and condition of existing substrate, some small wrinkles or humps may form from the re-nailing of the decking. This is only cosmetic and does not warrant repair or replacement of the area.

Delivery

Florida Roof Bros is not responsible for damage to driveway due to supply house and this will not be reason to withhold payment to Florida Roof Bros.

TOTAL

\$15,997.00

Starting at \$263/month with  Acorn FINANCE • [APPLY](#)

Customer Signature

Date

Town Commission Meeting

Section: New Business
Meeting Date: December 18, 2024
From: Town Attorney Ryan Knight
RE: Resolution 2024-14 Establishing a Charter Review Committee

Background Information:

The Town Commission voted to establish a Charter Review Committee during the November 20, 2024 Regular Town Commission Meeting.

Recommendation:

Approve Resolution 2024-14 Establishing a Charter Review Committee.

Attachments:

- Resolution 2024-14

RESOLUTION NO. 2024-14

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.

WHEREAS, the Town Commission of the Town of Melbourne Beach, Florida, voted to establish a Charter Review Committee at a public meeting on November 20, 2024, to study and review the existing Town Charter; and

WHEREAS, the Charter Review Committee shall make a study of such portions of the Town Charter as shall be brought to its attention by the Town Commission, the Town Manager, Town Attorney, and residents, and shall make recommendations for revisions of or amendments to the Town Charter as may appear necessary; and

WHEREAS, it is appropriate to create a Charter Review Committee for the purpose of review and study of the existing Town Charter with the Charter Review Committee submitting a written report of its findings and recommendations to the Town Commission.

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

Section 1. A Charter Review Committee is hereby created, consisting of five (5) total members to be appointed by the Town Commission as follows:

- (a) Each Town Commissioner shall select one responsible and independent member to serve on the Charter Review Committee; and

(b) Each Town Commissioner shall confirm that their appointments are willing to serve as a member of the Charter Review Committee. The names of the confirmed appointments shall be furnished to the Town Clerk for verification as to qualifications as a resident of the Town of Melbourne Beach and qualification to function as a member of the Charter Review Committee.

Section 2. The Charter Review Committee shall review and study the existing Town Charter and possible amendments or revisions thereto and make written recommendations to the Town Commission as to suggested amendments or revisions to the Town Charter. The Charter Review Committee shall function as an advisory body to the Town Commission.

Section 3. The written findings and recommendations of the Charter Review Committee shall be submitted to the Town Commission within one hundred and fifty (150) days, with the right to extend if necessary, from the date of the Charter Review Committee's initial meeting for consideration by the Town Commission. The Charter Review Committee's responsibility shall be deemed completed upon submission of their recommendations to the Town Commission.

Section 4. The Town Commission, upon receipt of the findings and recommendations of the Charter Review Committee, shall review same and determine whether the existing Town Charter shall be amended or revised. The Town Commission may cause to be prepared such Ordinance or Ordinances as it may deem advisable to amend or revise the existing Town Charter in the manner as provide by Chapter 166, Florida Statutes, as may be amended. To the maximum extent practicable, the Charter Review Committee shall conform the proposals of the Charter Review Committee to such subjects and matters as may be brought to the attention of the Charter Review Committee.

Section 5. The Town Manager may from time to time exercise her authority to make expenditures for the Charter Review Committee in the performance of its duties as provided by this Resolution.

Section 6. Upon appointment of members to the Charter Review Committee, the Town Commission shall establish a time, date, and place for the first meeting of the Charter Review Committee. At the initial meeting, the Town Attorney or his designee shall chair the meeting. At the initial meeting, the Charter Review Committee shall select a Chairperson and Vice Chairperson. The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. At the initial meeting, the Charter Review Committee shall establish a schedule of future meetings. Any vacancy created by the incapacity, resignation or otherwise of a Charter Review Committee board member shall be filled at the next regular or special meeting of the Town Commission upon selection by the original appointing Commission member. All appointments to the Charter Review Committee shall be recorded by the Town Clerk.

Section 7. All meetings of the Charter Review Committee shall be noticed and open to the public. The public shall be encouraged to submit verbal and written comments to the Charter Review Committee. The Charter Review Committee shall have minutes of each meeting taken, which minutes shall be promptly recorded with the Town Clerk and such records shall be open to public inspection. A majority of the Charter Review Committee shall constitute a quorum.

Section 8. The Town Manager, Town Attorney, and Town Clerk are hereby directed to support the Charter Review Committee in its organization and in considering, formulating, and making findings and recommendations.

Section 9. The Resolution shall become effective immediately upon its passage and adoption. Upon consideration and acceptance of the findings and recommendations of the Charter

Review Committee by the Town Commission, the Charter Review Committee shall be deemed disbanded and the Charter Review Committee’s existence shall terminate.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this 18th day of December, 2024.

ATTEST:

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

Amber Brown
Town Clerk

By: _____
Alison Dennington, Mayor

(TOWN SEAL)

Town Commission Meeting

Section: New Business

Meeting Date: December 18, 2024

From: Town Clerk Amber Brown

RE: Commissioners present their appointee to the Charter Review Committee

Background Information:

The Town Commission voted to establish a Charter Review Committee during the November 20, 2024 Regular Town Commission Meeting. The vote provided for each Commissioner to appoint one person to the Committee who shall be a Melbourne Beach resident.

During the discussion, the Commission decided to present their appointee to the Charter Review Committee during the December 18, 2024 Regular Town Commission Meeting.

Recommendation:

Each Commissioner presents their appointee to the Charter Review Committee.

Attachments:

None

Town Commission Meeting

Section: New Business

Meeting Date: Dec 18, 2024 RTC Meeting

From: Commissioner Tim Reed

Re: Items to be Discussed & Added to Task List

Background:

Idea is to promote increased Parking Revenue & Increased Resident Access

From my experience, residential waterfront communities in Florida with boat ramps or similar typically limit usage to the residents exclusively.

Example: The “private” access on S River Rd (see Photo-1 & 2 in attachments below). But they still have access to our ramp, park, & pier.

So even with the adoption of Item-1 below, we are still generously allowing outside usage.

Recommendation:

Please Add the following Agenda Items for discussion & consideration on being added to the Task List:

1. Develop Plan/Proposal for instituting Paid Parking at 6th Ave Kayak Launch Area:
 - No kiosk needed, provide signage referring users to existing kiosks at Ryckman/Ocean Park, or use the App.
 - No Marked/Numbered spaces needed.
 - Have pricing scheme for both individual vehicles, and vehicles with trailers (increased fee).
 - No impact to residents who will still have free usage via their parking permits.
2. Develop Plan/Proposal for instituting Paid Parking at E end of Ocean Ave:
 - Confirm that is town property, not part of Ocean Park (see Photo-3 in attachments below).
 - Maintain emergency access currently there.
 - Marked/Numbered spaces will be needed.
 - No kiosk needed, provide signage referring users to existing kiosk at Ocean Park, or use the App.
 - No beach cross-over needed.
 - Retain 1 or 2 free spaces, with 15 min limit so people passing thru can stop for a quick look i.e. similar to current use.

- Provides place for residents to use Ocean Park facilities & lifeguards without having to pay for parking.
 - No impact to residents who will still have free usage via their parking permits.
 - Possible Cons:
 - a) Remove/relocate section of railroad track, and then may need protective posts around flagpole.
3. [Town Manager status on Code Enforcement & Magistrate in TM Report portion of Agenda](#)
- [Summary & update on the hiring of a Code Enforcement Officer to include number of candidates interviewed, what the job qualifications are, and outlook.](#)
 - [Draft or actual copy of what the “Suspected” Vacation Rentals report looks like.](#)
 - [Summary & update on the research/review of Vacation Rental monitoring tools to include names & number of providers contacted, services provided, respective costs, & path forward.](#)
 - [Plan for ensuring the town has a long-term reliable arrangement for a Magistrate to go along with the strengthened ordinances and enforcement initiatives.](#)

Attachments:

Photo-1:



Photo-2



Photo-3:



Town Commission Meeting

Section: New Business
Meeting Date: December 18, 2024
From: Town Manager Elizabeth Mascaro
Re: Vacation Rental Tracking Companies

Background:

Seeking a company that will track, monitor, send initial registration correspondence, register, offer a registration portal, pursue delinquent payments and offer a 24/7 hotline.

1. Orange Data, which offers a free to the Town service, with the VR owner bearing the cost of registration to the Town and to Orange Date. They offer a platform for applications, payments and approvals. They will collect and remit payment to the Town.

2. Deckard Technologies offers a much more comprehensive package offering, although there is an annual cost:

\$5,000 for address identification, compliance monitoring and rental reporting. This includes up to three letters to the owners (introduction and 2 escalation), reporting and training.

An additional \$5,000 includes a vacation rental registration portal, pursuing delinquent payments and provides daily reports.

A final \$3,500 will allow a 24/7 call center with live agents and an online complaint form.

Recommendation:

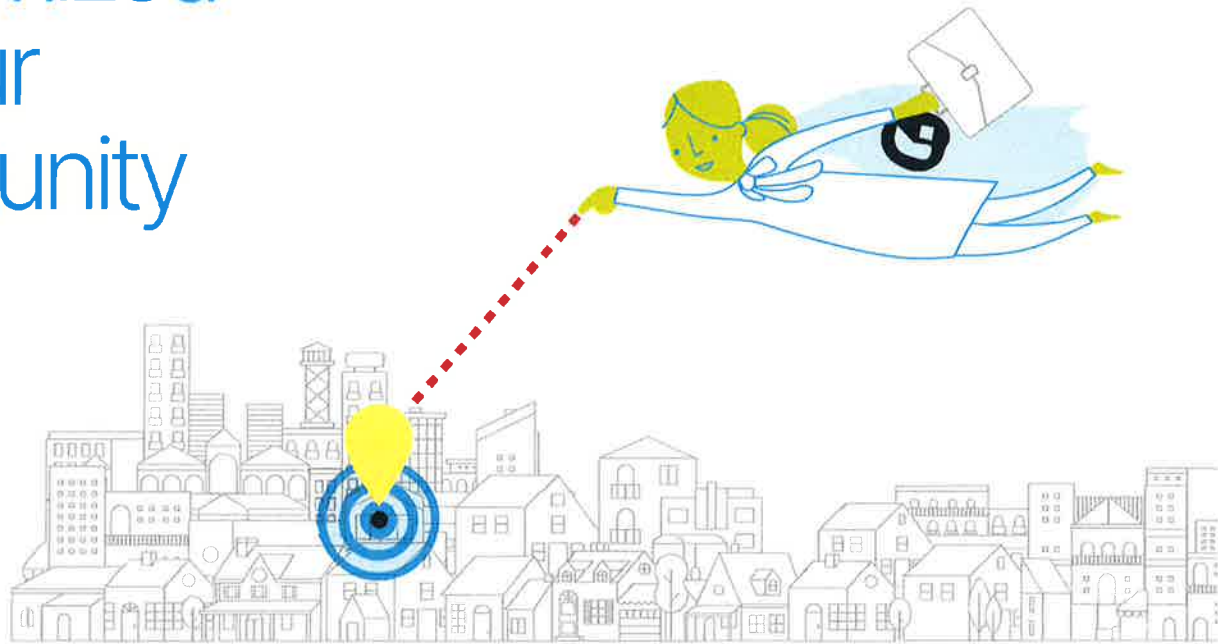
Consider the more comprehensive approach used by Deckard Technologies. The annual cost can be recouped via the registration fees.

Attachments:

Deckard Technologies information sheets and contract

Email from Orange Data

Customized for your community



Rentalscape's optional features build on the strengths of the core product to allow teams to tailor solutions to their needs and maximize efficiency.

Rentalscape STR Registration & Renewal Portal

Simplify STR administration for property owners and your STR team using smart automation and easy-to-use self service features.

Rentalscape 24/7 Complaint Line & Online Form

Offer a simple way for neighbors and other citizens to report on non-emergency STR concerns, and gather evidence for compliance enforcement.

Rentalscape Tax Payment Portal

Cut administration work and increase revenue with a public tax payment portal customized for your community, streamlining calculation, collection and payment of STR-related taxes like Transient Occupancy Tax.

Rentalscape Letter Campaign for STR Hosts

Mailing STR hosts to explain registration, tax requirements and payment processes, Rentalscape Letter Campaigns have helped customers cut the number of unregistered STR hosts by as much as 50% and increase compliance to more than 90%.

Rentalscape Inspection Module

Streamline the time-consuming job of keeping STRs safe for visitors and maintained to community standards.

Rentalscape key features



Rentalscape uses leading-edge AI and modern technology to deliver best-in-class data and great user experiences.

Monitor every STR listing

Rentalscape is the only platform capturing listings from every available source, tracking more than 10,000 short-term rental sites around the world, including more than 454 serving Florida.

Go live in days, not months

Because Rentalscape already tracks all online STR activity it comes ready to use, and can be customized to your community's requirements.

Better data

Rentalscape is the only platform tying STR listings to exact parcel numbers. Owner contact details are constantly updated from county data.

Every STR, every day

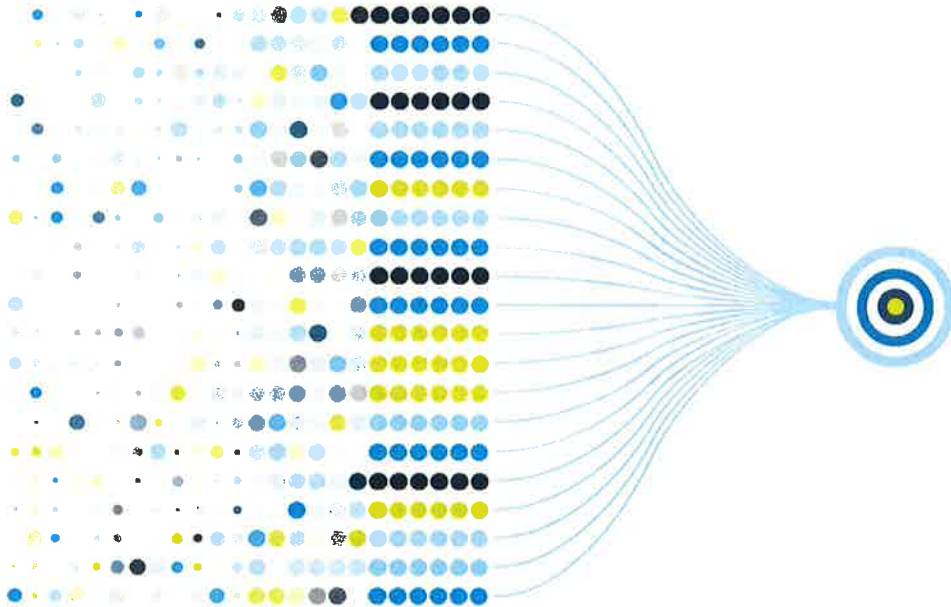
Rentalscape is the only system that is mining every STR listing, every day, allowing it to capture bookings made at the last minute.

Partnering with your team

Deckard Technologies employs more than 50 in-house data analysts to verify every AI result to deliver highly accurate data your team can trust.

More than software

Deckard partners with you to drive the ongoing success of your STR program. We are as committed to the success of the program as you are.



About Deckard Technologies

Deckard Technologies' mission is to give local authorities data and insights to efficiently manage property-related matters and deliver better outcomes for their communities.

Founded in 2018 by experts in big data, artificial intelligence and machine learning, today Deckard Technologies' Rentalscape is the No.1 short-term rental identification platform for local government in the U.S. and trusted by more than 500 communities.

About Rentalscape

Rentalscape uses powerful AI-based technology to deliver detailed, real-time information about STRs, including precise location, availability, bookings, rates, owner details and more, all in a single record for each property accessed through an easy-to-use interface.

Rentalscape identifies and validates 35% more STRs than any comparable product. Jurisdictions using Rentalscape enjoy an average compliance rate of 95.3%.



Increase compliance levels by up to

39%



Consistently increase tax collection by at least

40%



10,000+

Short-term rental sites monitored every day



Trusted by more than

500

jurisdictions

Florida guide to short-term vacation rental properties



RENTALSCAPE



Know what's happening in your community

Offering beaches and watersports, great food and shopping, and some of the world's best known amusement parks, Florida is one of America's great vacation destinations. More than 140 million visitors from America and around the world came to the state in 2023, helping support around 2 million jobs¹.

But the rapid growth of short-term rental (STR) vacation properties catering to this demand has created complex issues to manage. Tourism opportunities must be fairly balanced against the rights of local residents and businesses.

Florida alone is home to nearly 275,000 STR properties across 456,000 advertised listings. Popularity has been supercharged by platforms like Airbnb and Vrbo, but there are thousands of STR properties available through other

sources. In fact, across the U.S., on average Airbnb represents less than 20% of the total STR market.

In this guide you'll discover how Deckard Technologies' Rentalscape helps local authorities simplify complex STR challenges like:

- | | |
|--------------------------|----------------------|
| 01 Identification | 04 Management |
| 02 Planning | 05 Compliance |
| 03 Registration | 06 Taxation |

1. <https://www.visitflorida.org/resources/research/research-faq/>

Ready for Florida

Find out why Rentalscape is
already trusted by cities and
counties across the state.

Used by

City of Cape Canaveral
City of Cocoa Beach
City of Fernandina Beach
City of Hallandale Beach
City of Holmes Beach
City of Marathon
City of Margate
City of North Miami Beach
City of Sunny Isles Beach

Duval County Property Appraiser
Marion County Tax Collector
Monroe County Tax Collector
Nassau County Clerk
Seminole County Property Appraiser
Town of Neptune Beach
Town of Palm Beach Shores
Village of Islamorada Village of Islands



Stacey Kurtz
Director of Sales, SE Region
407-342-5029 • stacey@deckard.com
www.deckard.com



deckard
technologies
RENTALSCAPE

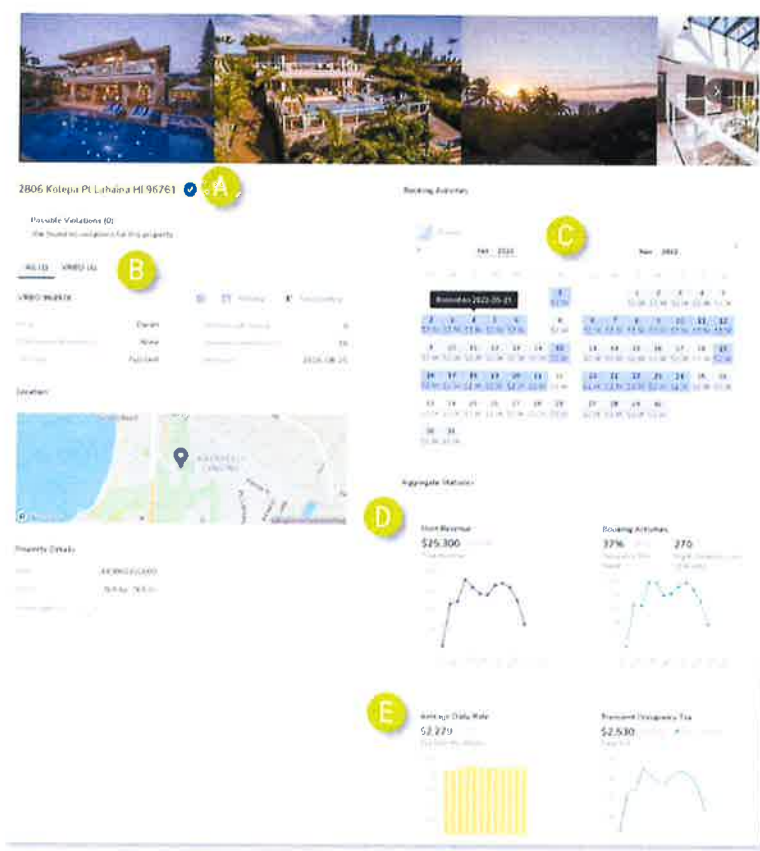
Executive Summary

Rentalscape Short-Term Rental ID & Monitoring Platform

Deckard Technologies utilizes data science expertise to assist local governments with managing their compliance activity and enforcement, such as short-term rental (STR) properties. Our technology ensures that everyone is held accountable to play by the same set of rules, follow all guidelines and ordinances, and pay their fair share of fees and taxes. To accurately track activity within the Town of Melbourne Beach, the Rentalscape platform identifies the exact address of the STR listings within the Town limits, enabling accurate display of STR activity within the Town and within community districts. Rentalscape groups listings and calculates statistics on a per-property basis. By mapping the exact location of properties, Rentalscape avoids double-counting activity. Knowing the exact location of STR properties enables compliance, enforcement, tax collection and complaint management activities.

About Rentalscape

Deckard's Dashboard management platform for STR will discover, identify, and efficiently present all STR activity in **the Town of Melbourne Beach**, using unique technical capabilities such as its proprietary future booking detection software, automatic non-compliance recognition, industry-best address identification,



Rentalscape is the only platform that shows upcoming rentals and bookings as they occur within 24 hours of the reservation being made.

This allows Rentalscape users to reach out to owners and hosts who are unlawfully renting and address any issues relating to these future rentals long before guests arrive, thereby eliminating disturbances, neighbor complaints and other common issues that often arise from illegal rentals.

- A** Address
- B** Sites Monitored
- C** Bookings, Cost, Occupancy
- D** Host Revenue
- E** Average Daily Rate

Figure 1: Rentalscape Property Card

Rentalscape maintains a database of every booking and stay made on all major platforms. Our system contains information dating back to late 2019 for every STR in the Town of Melbourne Beach. All data can be viewed interactively on the Rentalscape portal with unlimited user access and downloaded on demand in Microsoft Excel format.

Rentalscape dashboard map view shows the exact location of all STR activity, includes districts as defined by the Town and displays individual property information and aggregate statistics on a per district basis.

Rentalscape presents detailed STR activities including the precise address, owner information, booking history, availability and more. For each individual booking, the platform provides the actual date the reservation was made as well as the start and end date of each booking, ensuring that the Town is able to distinguish back-to-back bookings. These insights are not possible to achieve by simply viewing the listings itself.



Figure 2: Rentalscape Map

In Summary

In every jurisdiction in which we are providing service we have increased compliance and improved tax collection. Our process starts with producing the cleanest data possible – ensuring reporting is accurate and compliance levels are carefully monitored. We have in-house property appraisers and STR property managers. We also regularly consult with Town staff to ensure we are always up to date with the latest STR best practices. Our systems come with unlimited user access and unlimited end-user training. Our customers give testimonials regarding the ease of use of our systems and vastly superior level of customer service when compared to other providers in the market.

References

We believe that **continuous innovation** is required to face the challenges of today and of tomorrow. We are proud of our achievements and solutions that enable cities and counties to manage short-term rental activities and to ensure local rules and ordinances are enforced for the betterment of local residents.

The following references are examples of successful partnerships between Deckard Technologies & its clients.

City of Cape Canaveral, FL

Brian Palmer

Code Enforcement Officer

b.palmer@cityofcapecanaveral.org
321-868-1220 ext 115

Product:
Rentalscape

City of Cocoa Beach, FL

Randy Stevenson

Director Building Department/Development Services

randy.stevenson@cityofcocoa-beach.com
321-868-3297

Product:
Rentalscape

City of Fernandina Beach, FL_2

Michelle Forstrom

Code Enforcement Manager

mforstrom@fbfl.org
904-310-3441

Product:
Rentalscape

Proposed Products

The Rentalscape Portal

The Rentalscape portal is a cloud-based system for Town staff to track STR properties, monitor STR activity, manage STR permits and record information about properties. The data in the system is constantly being updated as new properties are discovered and address identified, as new permit applications are made and as permits are expired or revoked.

The Rentalscape portal displays information on all STR listings found within the Town going back at least 12 months. We use US Census data to identify Town limits and any parcels or listings within the limits are monitored. Rentalscape also tracks properties outside the Town until they are accurately identified. On occasion, the STR listing estimated location for a property falls outside the Town, but the actual location of the property once address identified is inside the Town. Rentalscape displays:

1. Any permitted STR property
2. Any property with a currently live STR listing
3. Any property with historic STR listings
4. Any property with a future or past STR booking (even if the property currently does not have a live listing)

Rentalscape includes the ability to filter the properties displayed (e.g., only permitted properties, or only properties in a specific HOA), and to download all results. All data displayed is available for direct download from Rentalscape.

Information shown in Rentalscape for each property includes:

Property characteristics

1. Property address
2. Owner name and mailing address
3. Ownership type (primary residence, secondary/investment property)
4. Property type
5. Number of bedrooms and bathroom at the property, per public records data
6. A map showing the property's location
7. Maximum occupancy per the Town of Melbourne Beach ordinance

Listing characteristics

1. Listing URL for each listing associated with each specific property
2. Listing ad ID for each listing associated with each specific property
3. Rental calendar showing current month's activity as well as past twelve months and upcoming three months booking activity (calendars update daily)
4. Rentalscape clearly and easily differentiates between regular bookings and host-blocked dates that are not revenue-generating
5. Host name (when available)
6. Stay limitations (minimum/maximum)
7. Permit/license number if included in the listing
8. Daily Rental rate at time of booking
9. Rental frequency
10. Individual links to all active listing for the property
11. **PDF copy of each listing, as well as a history of all previous versions of the listing**, to identify any possible changes, as well as keep a record in case the listing is taken down by the host. Each image has a date-stamp showing when it was created and is kept indefinitely.
12. Rental type (Whole home, shared home)
13. Bedrooms and bathrooms advertised
14. Maximum occupancy, per listing

Estimated sales tax based on rental activity

15. Occupancy rate
16. Estimated rental income
17. Estimated tax

Rentalscape is configured to match the Town's ordinance and is capable of flagging violations following the Town's exact rules, including but not limited to permit registration and occupancy advertised versus permitted occupancy. Rentalscape looks for bookings less than 30 days when flagging STRs. When bookings longer than 30 days are created, these are correctly categorized as long-term rentals and do not cause a property to be treated as an STR.

Rentalscape actively monitors permit status and STR listings daily, flagging violations as they occur. We have encountered situations where other providers have flagged properties as "no longer listed" or "only performing long-term rentals", that later re-list or take a short-term booking, and are subsequently missed by these other vendors as violating the Town ordinance. **Rentalscape continuously monitors every listing every day** including bookings up to a year in advance. As soon as an unpermitted booking is taken, Rentalscape sets a violation.

Rentalscape includes a **Dashboard** that provides an overview of all STR activity in the Town. This Dashboard includes aggregated revenue, bookings, and property data, and highlights top-earning hosts and owners as seen below. Please note that some charts will not be activated until we go live in the Town of Melbourne Beach.

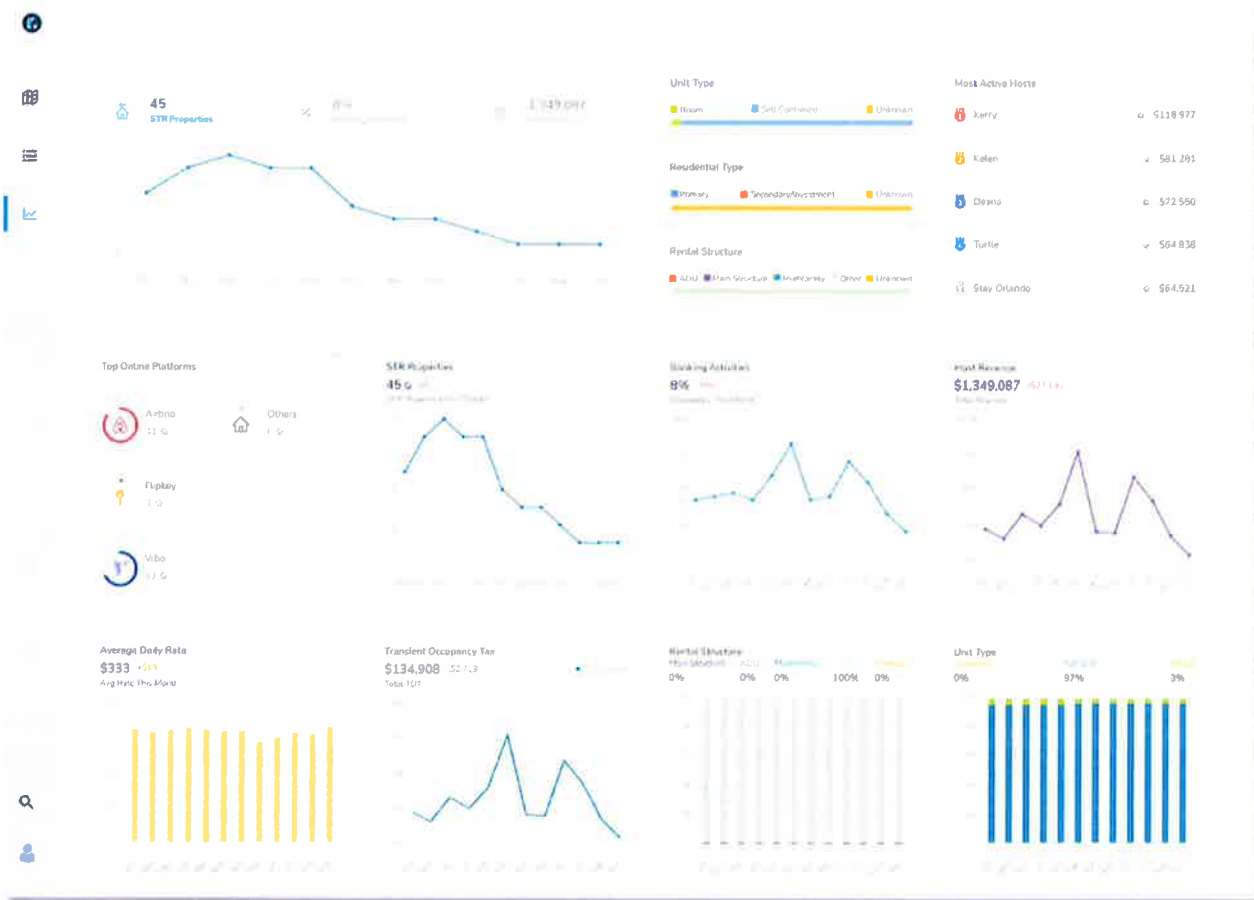


Figure 3: Rentalscape the Town of Melbourne Beach Dashboard Example

Implementation & Training

Implementation is on your timeline!! Upon Contract signing, Deckard will assign the Town of Melbourne Beach a Dedicated Account Manager, who will work with the Town to develop "best practices" based on Deckard's experiences with other clients. The account manager will ensure that the implementation process proceeds smoothly and will be the main point of contact for any questions, suggestions, training, or concerns. The account manager will also participate in periodic calls with Town staff as requested.

And since Rentalscape is Cloud Based, no hardware or software is installed!

Most jurisdictions have been up and running with Rentalscape within a couple weeks with Address Identification complete within 4 weeks of receipt of the permit and listing data.

Sample Timeline



Figure 4: Sample Timeline for Rentalscape

Pricing Proposal

Currently, Rentalscape is showing close to **98 live STR listings in the Town of Melbourne Beach**. Based on the number of live STR listings, we estimate there are **53+ short-term rental properties in the Town**, advertised on one or more platforms.

Deckard Technologies can provide a comprehensive, all-inclusive system that meets the requirements specified in the RFP. Alternatively, each of our products is available for individual purchase as standalone items, allowing for tailored solutions to meet specific needs. We only **charge fees on a per property, not per listing, basis**. Since a single property can have multiple listings, we feel it is unfair to charge fees based on listing count. Finally, we do not charge one fee for compliance monitoring and another for rental activity monitoring as, in our view, these are the same service.



ADDRESS IDENTIFICATION, COMPLIANCE MONITORING & RENTAL ACTIVITY REPORTING

Price

- Identity property & address
- Identify property owner address
- Real-time reporting of all new listings & daily calendar monitoring
- 10,000+ Websites monitored Daily, worldwide
- FutureCast™ - Identify future bookings as they are made on the rental platform
- Automatic identification of violations

\$5,000
Annually

OUTREACH CAMPAIGN

- Letter campaign to inform STR owners/hosts about compliance requirements and procedures
- All letter templates will receive Town approval pre-campaign
- Campaign includes one Introductory letter and two additional escalation letters

INCLUDED

REPORTING & ANALYSIS

- On Demand, Dynamic reporting, offering multiple ad hoc reports
- Filters allowing users to focus on specific segments of the STR population

INCLUDED

DEDICATED ACCOUNT MANAGER

- Single Point of Contact for Town staff for all matters
- Ensures the Town is following Industry best practices
- Shepherds the implementation process from start to finish
- Periodic meetings/calls throughout the life of the account

INCLUDED

UNLIMITED ACCOUNTS & TRAINING SESSIONS

- No limit on the number of Rentalscape user accounts
- No per-session training costs

INCLUDED

TOTAL YEAR ONE

\$5,000

Note: Pricing valid for 90 days
Note 2: Pricing Confidential.

Optional Products Pricing

STR REGISTRATION PORTAL

- Online, intuitive portal for registration and renewal \$5,000
- Fields customizable to meet Town needs (OPTIONAL)
- Pursue delinquent payments from hosts
- Provide daily reports on new and modified permits

COMPLAINT 24/7 HOTLINE & ONLINE FORM

- 24/7 US based bi-lingual Call Center with live agents – **basic** (see Page 13 for Detail Information) \$3,500
- Online complaint form (**Complaint Form** only **\$2,000**) (OPTIONAL)

Optional Products

STR Registration and Renewal Portal

This is a configurable system that is customized for each client branding, custom fields such as occupancy rules specific to the Town (e.g., occupancy limits, bedroom counts), collection of documents as required for the STR registration process, STR registration approval portal, configurable STR permit pricing and expiration, collection of any STR permit fees, regular reporting, allows for renewals and updates.

24/7 Complaint Line & Online Form

Available for fielding complaints raised by the public related to short-term rentals. The Complaint Line is a 24/7 Live US based Call Taker environment. The Call Taker collects the appropriate information (ie address, property owner, type of incident, date of incident, etc) and contacts the designated Town contact. Hotline services are offered at 3 different levels:

- ▶ **Basic:** Standard call flow. Information is taken and forwarded to the Town. Calls are referred to the appropriate staff without follow up required.
- ▶ **Classic:** Call Center will contact the local contact when information is available (permitted properties), notify them of the complaint then forward the information to the local Town contact.
- ▶ **Premier:** Premium call flow. Dispatcher will attempt to get a complaint resolution. The local contact can be contacted up to 3 times before referring caller out to appropriate staff.
- ▶ **Rentalscape Online Complaint Form:** is also available. Neighbors can report and provide evidence for non-emergency concerns. The Complaint Form is customized with your logo. All complaints are logged and reported to the appropriate staff/department.

Tax Payment Portal

The portal can be utilized to collect taxes from STR operators on a monthly, quarterly, or yearly basis. The Rentalscape Tax Payment system collects information regarding the number of nights available for booking, and the number of nights booked. The system is customized for each jurisdiction and includes automatic calculation of tax due based on the Town's tax rate, automatic calculation of late fees and penalties, and the ability to apply leniency on a per-property basis for late fees should it be required. The Rentalscape Tax Payment system utilizes Stripe payment processing that allows for payment by credit card or by ACH payments. Payments are directly remitted to the Town. The system generates nightly reports that are delivered to the Town, allowing for easy reconciliation of transactions. This system reduces the manual work required when processing paper forms.

Letter Campaign for STR Hosts

Rentalscape will create and send letters to all Identified STR hosts/owners explaining the Town's STR ordinances, requirements, and process. The letter templates will be approved by the Town staff prior to beginning the mailings. Rentalscape's targeted letter campaign, timed to generate best results, have shown great efficacy in cutting the number of unregistered hosts by over 50% within the first six months of a new client engagement.

STR Constituent Portal

The Constituent Portal is an interactive public online map for publication of all registered short-term rentals within the Town. The exact information on the map can be configured to meet the Town's needs and includes information such as the property owner and emergency contact information. The portal is branded with the Town's information and can include links to systems such as the short-term rental registration system.

Foreclosure/Vacant Property Portal

The portal helps government agencies combat blight created by vacant and foreclosed properties! By identifying at risk vacant properties and contacting the responsible party, Rentalscape helps you carry out enforcement to increase compliance with Vacation Property Ordinances.

Rentalscape LTR Portal

The portal is a configurable system that enables our customers to have oversight and insight to all LTR properties in their jurisdiction. Additionally, we give them the ability to run communication and outreach programs for both compliance and awareness. It is the only platform on the market that offers this combination of registration and communication services.

Inspection Module

This module is designed to streamline the inspection process, making it more efficient and effective for field agents and Town staff alike. It is a web-enabled system that allows agents to conduct and record health and safety inspections directly in the field. With mobile capability, agents can make notes, comments, and even create complaints or tickets (in PDF format) on-site.

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 5th 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:

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: _____

Melbourne Beach Town Manager

From: Caleb Shoemaker <cshoemaker@orangedata.com>
Sent: Tuesday, December 03, 2024 1:21 PM
To: Melbourne Beach Town Manager
Subject: Muni register talking points

Elizabeth,

Please see below for MuniRegister, which includes vacant, abandoned, and short term/holiday rental registration. Again, I'm sorry for the confusion earlier.

Streamlined Operations

MuniRegistration automates and simplifies municipal registration processes, reducing manual errors and saving staff time. Its user-friendly platform enables quick handling of applications, payments, and approvals.

Enhanced Compliance and Accessibility

Integrated compliance tracking and ADA-compliant tools ensure regulatory adherence while providing equitable access to all citizens, mitigating legal risks and enhancing trust.

Cost Savings

Outsourcing to MuniRegistration reduces the need for costly in-house resources such as additional staff, software infrastructure, and ongoing maintenance. Our no cost model splits the registration fee, thus no out of pocket expenses for the city.

Faster Turnaround Times

With 98% of requests processed within one or two days, MuniRegistration dramatically improves response times compared to in-house systems, boosting customer satisfaction and increasing registration volumes. The easier it is to register the more likely someone will do it in a timely manner.

Maximized Fee Collection

MuniRegistration's integrated payment processing ensures efficient collection, reconciliation, and remittance of fees to municipalities. Transparent reporting provides accountability without administrative hassle.

Caleb Shoemaker
 Business Development Manager
 Orange Data
 O: 407-965-4245
 C: 689-444-7787
www.OrangeData.com
cshoemaker@orangedata.com

You will please take notice that the information you provide may be made available to certain government offices. All communications with any government office are subject to disclosure to the public pursuant to Article I, Section 24(b) and Section 286.011 of the Florida Statutes. This body of law is known as the "Government in the Sunshine Law." The Sunshine Law applies not only to public meetings, but to all manner of written communications between individuals and government officials including, but not limited to e-mail communications. Please be governed accordingly.



Town Manager Report for December

1. Met with several residents regarding vacation rentals.
2. Had second interviews with three candidates for the Code position. Our new Code Officer, Robert, will begin on January 2, 2025.
3. Daily input for Vacation Rentals and code violations.
4. Very successful Tree Lighting Ceremony, led by Mayor Dennington.
5. In office meetings with three Commissioners.
6. Met with Carter Hayes of Land and Sea and Robert Bitgood regarding replacement of missing cross braces. Will submit to FEMA for reimbursement.
7. Several conversation with Chris Brunais with Goodson Paving. Their large paving machine had a break in the equipment. They are waiting for the replacement part. An attempt was made to use a smaller piece of equipment; however, the result was not satisfactory.

NOVEMBER 2024 TASK LIST

ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Sixth Ave boat ramp improvements	8/17/2022	12/18/2024		Commissioner Runte	Town Manager/ PW Director
DATE	DIRECTION/NOTES				
6/19/2024	Push to December after hurricane season.				
3/20/2024	Corey Runte- Pushed for 3 months				
8/16/2023	At the workshop next week.				
7/19/2023	Mayor – Neighboring property put in a taller dock that is getting destroyed, so if the Town put in a small dock it would not last long				
6/28/2023	Look into grant opportunities				
3/15/2023	Put on the Town Commission Workshop				
2/15/2023	Tom Davis- met with Bowman Engineering at Sixth Ave boat ramp to get them to draw something up				
1/18/2023	Tom Davis – installed the geogrid and painted the wall, considering installing a kayak rack Commissioner Corey Runte – come up with future vision plans and get concept drawings/proposals to beautify it and address parking				
11/16/2022	Joyce Barton – Spoke about possible grant options Corey Runte – Research funding options Mayor Hoover – Start with fixing the seawall				
9/21/2022	Discussed under new business agenda item D.				
8/17/2022	Research what the exact issue is with parking that prevents the Town from getting grant money				