



# **TOWN OF MELBOURNE BEACH**

## **TOWN COMMISSION REGULAR MEETING**

**NOVEMBER 18, 2020**

**AGENDA PACKET**



## TABLE OF CONTENTS

<b><u>AGENDA</u></b>	<b><u>5</u></b>
PRESENTATIONS	9
BOARDS & COMMITTEES	11
CONSENT AGENDA	13
A. SITE PLAN REVIEW FOR 447 RIVER VIEW LANE	15
B. SITE PLAN REVIEW FOR 505 AVENUE B	61
C. APPROVAL OF AUGUST 5, 2020 STCM MINUTES	73
D. APPROVAL OF AUGUST 5, 2020 TCW MINUTES	79
E. APPROVAL OF AUGUST 19, 2020 RTCM MINUTES	83
F. APPROVAL OF SEPTEMBER 2, 2020 TCW MINUTES	97
G. APPROVAL OF SEPTEMBER 9, 2020 STCM MINUTES	103
H. APPROVAL OF SEPTEMBER 21, 2020 STCM MINUTES	107
<b><u>OLD BUSINESS</u></b>	<b><u>57</u></b>
A. CONSIDERATION AND POSSIBLE ACTION RELATED TO QUOTES OBTAINED FOR ELECTRIC VEHICLE CHARGING STATION – TOWN MANAGER MASCARO	112
<b><u>NEW BUSINESS</u></b>	<b><u>121</u></b>
A. NEW REVIEW CONTRACT TO EXTEND THE RELATIONSHIP WITH TOWN ATTORNEY REPPERGER FOR AN ADDITIONAL 3 YEARS – TOWN MANAGER MASCARO	121
B. APPOINT NEW VICE-MAYOR BEACH – TOWN MANAGER MASCARO	137
C. CONSIDERATION OF BUDGET RESOLUTION 2020-14 – FINANCE MANAGER KERR	139
D. CONSIDERATION OF BUDGETING FROM THE GENERAL FUND TO ADDRESS SHORTFALL IN BUILDING FUND BUDGET - FINANCE MANAGER KERR	143
E. CONSIDERATION AND APPROVAL OF THE 2021 TOWN COMMISSION MEETING SCHEDULE	145
F. CONSIDERATION AND POSSIBLE ACTION RELATED TO NEW DUNE CROSSOVER DESIGNS – COMMISSIONER QUARRIE	147
G. CONSIDERATION AND POSSIBLE ACTION RELATED TO MOU FOR FIRE DEPARTMENT GEAR WASHER & DRYER – FIRE CHIEF BROWN	151
<b><u>STAFF REPORTS</u></b>	<b><u>157</u></b>
<b><u>ACTION ITEMS</u></b>	<b><u>189</u></b>



**Town of Melbourne Beach  
REGULAR TOWN COMMISSION MEETING  
NOVEMBER 18, 2020 at 6:30 p.m.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

**AGENDA  
PUBLIC NOTICE**

**The Town Commission will conduct a Regular Town Commission Meeting  
on Wednesday November 18, 2020 in the Community Center  
to address the items below**

Due to the effects of COVID-19, recognizing the Centers of Disease Control social distancing guidelines, and as authorized and in compliance with Governor Ron DeSantis Executive Orders, attendance in the Community Center will be limited to 28 people. Those in excess of that number will be accommodated outside the community center where the meeting will be broadcast live in an audible format. Should members of the public seated outside wish to be heard, comment cards will be available to fill out and those who do will be invited into the Community Center for the purpose of speaking at the appropriate time. Anyone who wishes to provide public input without personally appearing at the meeting may do so by sending an email to [townclerk@melbournebeachfl.org](mailto:townclerk@melbournebeachfl.org). All emails must be received prior to 4:00 p.m. on Tuesday, November 17, 2020. All emails will be provided to the Mayor and each of the Town Commission Members. Should you wish to have your comment read aloud by Town staff at the meeting, please indicate that in your email. Your full name and address must be included and will be read aloud. The reading of public comments received by email will be limited to three (3) minutes.

**Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Town Attorney Clifford Repperger  
Finance Manager Jennifer Kerr

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

**1. Call to Order – Led by Mayor Simmons**

**2. Roll Call**

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

**4. Presentations**

- A. Administration of Oath of Office to newly elected members of the Town Commission - Town Clerk Torres

**5. Boards and Committees**

- A. Review of (1) volunteer application to fill Board vacancy – Town Clerk Torres

**6. Public Comments**

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business not on the Agenda.

**7. Approval of the Agenda**

**8. Consent Agenda**

- A. Site Plan Review for 447 River View Lane, Melbourne Beach
- B. Site Plan Review for 505 Avenue B, Melbourne Beach
- C. Approval of August 5, 2020 STCM Minutes – Town Clerk Torres
- D. Approval of August 5, 2020 TCW Minutes – Town Clerk Torres
- E. Approval of August 19, 2020 RTCM Minutes – Town Clerk Torres
- F. Approval of September 2, 2020 TCW Minutes – Town Clerk Torres

G. Approval of September 9, 2020 STCM Minutes – Town Clerk Torres

H. Approval of September 21, 2020 STCM Minutes – Town Clerk Torres

**9. Public Hearings**

**10. Old Business**

- A. Consideration and possible action related to quotes obtained for electric vehicle charging station – Town Manager Mascaro

**11. New Business**

- A. Review contract to extend the relationship with Town Attorney Repperger for an additional 3 years – Town Manager Mascaro
- B. Appoint new Vice-Mayor Beach – Town Manager Mascaro
- C. Consideration of Budget Resolution 2020-14 – Finance Manager Kerr
- D. Consideration of budgeting from the General Fund to address shortfall in Building Fund Budget - Finance Manager Kerr
- E. Consideration and approval of the 2021 Town Commission Meeting Schedule
- F. Consideration and possible action related to New Dune Crossover designs – Commissioner Quarrie
- G. Consideration and possible action related to MOU for Fire Department Gear Washer & Dryer – Fire Chief Brown

**12. Staff Reports**

- A. Town Attorney Report
- B. Town Manager Report
- C. Town Clerk Report
- D. Departmental Reports:
  - 1. Building Department
  - 2. Public Works Department
  - 3. Code Enforcement
  - 4. Police Department
  - 5. Fire Department
  - 6. Finance Department

**13. Town Commission Comments**

- A. General Comments

B. Review of Commission Action List

**14. Adjournment**



## Town Commission Agenda Item

**4-A**

**Section:** Presentation

**Meeting Date:** November 18, 2020

**Subject:** Administration of Oath of Office to newly elected members of the Town Commission

**Submitted By:** Town Clerk Torres

**Background Information:**

Having been duly certified:

- Wyatt Hoover will be sworn in as Mayor, Town of Melbourne Beach, for a (3) year-term
- Joyce D. Barton will be sworn in as Commissioner, Town of Melbourne Beach for a (2) year-term

**Attachments:** None

**NOTE:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for disabled individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or [townclerk@melbournebeachfl.org](mailto:townclerk@melbournebeachfl.org).



**Town Commission Agenda Item****5-A****Section:** Boards and Committees**Meeting Date:** November 18, 2020**Subject:** Review of volunteer application to fill BOA Board vacancy**Submitted By:** Town Clerk Torres**Background Information:****Recommendation:** Discussion and possible action:**Attachments:**

1. Town Board Volunteer Application for Peter Peterson (BOA)

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## Town Commission Agenda Item

**8 A-H**

**Section:** Consent Agenda

**Meeting Date:** November 18, 2020

**Subject:** Consideration of two site plan reviews and draft Commission meeting/workshop minutes from August and September 2020

**Submitted By:** Town Clerk Torres

**Background Information:**

- Site Plan Review for 447 River View Lane and 505 Avenue B (both in Melbourne Beach) were unanimously approved by the Planning & Zoning Board during the November 10, 2020 Meeting.
- The Draft Minutes from August and September were sent to Commission members for review and Mayor Simmons made a few small edits which are noted and incorporated herein.

**Attachments:**

1. Site Plan Review for 447 River View Lane, Melbourne Beach
2. Site Plan Review for 505 Avenue B, Melbourne Beach
3. August 5, 2020 STCM Draft Minutes
4. August 5, 2020 TCW Draft Minutes
5. August 19, 2020 RTCM Draft Minutes
6. September 2, 2020 TCW Draft Minutes
7. September 9, 2020 STCM Draft Minutes
8. September 21, 2020 STCM Draft Minutes

**NOTE:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for disabled individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or [townclerk@melbournebeachfl.org](mailto:townclerk@melbournebeachfl.org).





# TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

## Site Plan Review

### Applicable Codes

Town of Melbourne Beach Land Development Code  
2017 Florida Building Code

**Date:** October 29, 2020  
**Owner:** Burton, David; Burton, Darlene Marian  
**Owner Address:** 228 6th Ave Melbourne Beach FL  
**Site Address:** 447 River View Ln Melbourne Beach FL  
**Parcel ID:** 28-38-07-JV-\*-109  
**Zoning:** 2RS

**Proposed Project:** New Single Family Dwelling on an existing slab and an accessory structure. Drainage will be reviewed by the Town Engineer.

**References:** Town of Melbourne Beach Code of Ordinances: 7A-32, Ordinance 2019-06

**Proposed Project:** Single-family home on an existing slab, an accessory structure and existing pool on site.

**References:** Town of Melbourne Beach Code of Ordinances: 7A-32

**Request:** Approval by Planning and Zoning Board, Town Commission for construction of a single-family dwelling on an existing slab and an accessory structure.

**Staff Review:** The property lies in Zoning District 2RS

- 1). Project is a single-family dwelling as a principle use.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.  
Lot area is 14,209 sq. ft. min. 11,250 sq. ft.  
Lot width is 102.42 ft. min. 90 ft.  
Lot depth is an average of 137.31 ft. min. 100 ft.  
Lot is .3261 of an acre
- 3). Lot coverage has a maximum of 30% for principle structure.  
Lot coverage per plan is 29.19 % Footprint of Primary Structure is 4,148 sq. ft.  
Max allowed for Primary Structure is 4,262 sq. ft. for Lot Area of 14,209 sq. ft.  
Minimum pervious area per lot is 30%. Pervious area is 49%
- 4). Structure maximum height for zoning district is 28 ft.  
The proposed height provided is 27' 6".  
Flood Zone X and AE. The proposed dwelling is in the X zone.

**5). Zoning District Setback requirements**

**Proposed Primary Structure Front Setback 25' 1 ½ " (min. 25 ft.)**

**Proposed Primary Structure North Side Setback 15' 1" (min. 15 ft.)**

**Proposed Primary Structure South Side Setback 15' 5 ½ " (min. 15 ft.)**

**Proposed Primary Structure Rear Setback 37' 7 ½ " (min. 25 ft.)**

**Proposed Accessory Structure Rear Setback 28'7" (min. 15 ft.)**

**Proposed Accessory Structure Side Setback 15' 1 ½ " (min 15 ft.)**

**6). Sediment and Erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and Florida Building Code (3307.1).**

**7). On-site Storm water Retention Control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and the Florida Building Code (3307.1). Town Engineer will submit a review of drainage per Ordinance 2019-06. Town Engineer will be required for final inspection before a Certificate of Occupancy may be issued as per Ordinance 2019-06. Minimum Landscaping Standards shall be met.**

**Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.**

**John Stone  
Building Official**



# TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

## Site Plan Review

### Applicable Codes

Town of Melbourne Beach Land Development Code  
2017 Florida Building Code

Date: October 13, 2020  
Owner: Coppock, Tina M  
Owner Address: 505 Avenue B Melbourne Bch FL  
Site Address: 505 Avenue B Melbourne Bch FL  
Parcel ID: 28-38-07-01-2-2  
Zoning: 3RS

Proposed Project: Addition to a single-family dwelling.

References: Town of Melbourne Beach Code of Ordinances: 7A-33

Proposed Project: Approval by Planning and Zoning Board, Town Commission for construction of an addition to a single-family dwelling. No out buildings or trees will be removed for the project.

References: Town of Melbourne Beach Code of Ordinances: 7A-33

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

Staff Review: The property lies in Zoning District 3RS

- 1). Project is an addition to a single-family dwelling.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.  
Lot area is 12,000 sq. ft. min. 10,000 sq. ft.  
Lot width is 80 ft. min. 90 ft. This is an existing non-conforming lot with a current primary structure.  
Lot depth is 150 ft. min. 100 ft.
- 3). Lot coverage has a maximum of 30% for principle structure.  
Lot coverage per plan is 18.37 % Footprint of Primary Structure is 2,204.95 sq. ft.  
Max allowed for Primary Structure is 3,600 sq. ft. for Lot Area of 12,000 sq. ft.  
Minimum pervious area per lot is 30%. Pervious area is 66.88%
- 4). Structure maximum height for zoning district is 28 ft.  
The proposed height for the addition is lower than the current height of the single story primary structure.  
Flood Zone X
- 5). Zoning District Setback requirements  
Proposed addition Front Setback is behind the primary structure.



**Proposed addition West Side Setback is on the east side of the primary structure.**

**Proposed addition East Side Setback 17.7 ft. (min. 15 ft.)**

**Proposed addition Rear Setback 70.4 ft. (min. 25 ft.)**

**6). Sediment and Erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and Florida Building Code (3307.1).**

**7). On-site Storm water Retention Control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and the Florida Building Code (3307.1). Topographic maps may be required. This addition is not a modification greater than 50% of the appraised value as per Ordinance 2019-06.**

**Minimum Landscaping Standards shall be met.**

**Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.**

**John Stone  
Building Official**

**T Town of Melbourne Beach**

**SPECIAL TOWN COMMISSION MEETING**

**WEDNESDAY AUGUST 5, 2020 @ 6 pm  
MASNY ROOM – 507 OCEAN AVENUE**

**DRAFT MINUTES**

**Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Town Attorney Clifford Repperger

**1. Call to Order – Led by Mayor Simmons**

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

**2. Roll Call**

Town Clerk Torres conducted the roll call.

Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherri Quarrie  
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Police Chief Melanie Griswold

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

Led by Mayor Simmons

**4. Public Comment**

*Sue Holbert  
305 Pelican Drive*

Ms. Holbert suggested the Town delay charging kiosk fees until late morning because she is part of an early morning workout group that uses the park three mornings a week and the cost for parking would make it difficult for them to continue to meet

**5. Old Business**

- A. Consideration of approval of bid for two paid parking kiosks and related equipment from IPS Sales – Commissioner Walters

**Commissioner Walters moved to waive the bid process and approve both kiosk quotes presented, not to exceed the quoted amount of \$14,500; Vice Mayor Hoover seconded; Motion carried 5-0.**

**6. New Business**

- A. Review the two- year MOU from the School Board of Brevard County to the Town of Melbourne Beach for placement of an SRO in Gemini Elementary School – Town Manager Mascaro

Town Manager Mascaro received a two-year-contract from the Brevard County School Board for a School Resource Officer (SRO) at Gemini Elementary School with an increase in fees of \$5,000 because they recognized the need to provide more funds to support the SRO.

Commissioner Walters suggested the Town turn the position back over to the BCSO for them to appoint someone. He added that since former Melbourne Beach Police Officer Vila was now with the Brevard County Sheriff's Office perhaps he could take the position, if interested.

The Town Manager said that her understanding was that former Officer Vila enjoyed being the SRO but was now ready for a change.

Commissioner Walters said that was not his understanding and he was told former Officer Vila loved his job and wanted it back. He went on to suggest the Commission ask the BCSO to consider appointing Vila as Gemini's SRO.

Commissioner Quarrie said she didn't think the Town Commission was in a position to tell the Sheriff what to do.

Vice Mayor Hoover pointed out that the MOU the Town is being asked to sign is with the School Board and if they don't sign it, the decision will default to the School Board.

Further discussion on the matter took place.

Mayor Simmons suggested the Commission approve the MOU and then get some answers because the MOU allows cancellation within 30-days - and in that time, the Town can check with the Officer Vila and Gemini Elementary School to see if he is interested in coming back and also if the school would like him to come back.

Commissioner Runte agreed adding that he didn't want to leave the school in a bad spot by leaving the MOU unsigned.

#### **Public comment**

*Lauren Hardman*  
326 3<sup>rd</sup> Avenue

Going forward, Ms. Hardman suggested the SRO position is given a more structured, organized role.

**Vice Mayor Hoover moved to approve the Memorandum of Understanding with the School Board of Brevard County allowing the Town to assign a**

**School Resource Officer to Gemini Elementary School. Commissioner Quarrie seconded; Motion carried 5-0.**

- B. Review estimate for a new irrigation well at Ryckman Park - Town Manager Mascaro

Town Manager Mascaro explained that the well in Ryckman Park began leaking and needed to be capped off, which was done by Brevard County at no cost to the Town. The old well was the only water source for irrigation in Ryckman Park and on Ocean Avenue heading east.

Tom Davis, Public Works Supervisor said he would like to have a new well dug to re-establish water source for ground irrigation.

Town Manager Mascaro said Heidekruger Well & Pump Services, Inc. is considered a single source provider, as there are very few well diggers in Brevard County. Their estimate includes a cost of \$1,500.00 to fill the old well, which has already been completed by the County. The Cost of the new well is \$7,000.00

She asked the Town Commission to consider waiving the bidding process in order to get the repair started.

Commissioner Quarrie asked if this was in the budget already and the Town Manager said she could take it from contingency.

**Commissioner Runte moved to waive the bidding requirement and to approve as presented \$7,000 for a new irrigation well with funds pulled from contingency; Vice Mayor Hoover seconded; Motion carried 5-0.**

**C. Officer Tilesio Sick Leave Pay (Walk on item)**

In a walk-on item, Town Manager Mascaro suggested that in regard to Officer Tilesio, who is no longer with the Melbourne Beach Police Department, the Commission consider sending him a portion of his sick pay which he was not initially paid because it was determined he resigned in lieu of termination. However, upon further investigation that was never communicated to him and he resigned as an officer in good standing.

Town Attorney Repperger said he would like to prepare a document of understanding with Officer Tilesio for him to sign before receiving the payment.

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Commissioner Walters agreed that giving him his sick pay money is a good idea.

**Commissioner Quarrie moved to authorize the Town Attorney to prepare a separation agreement; Commissioner Runte seconded;**

Commissioner Walters disagreed with asking former Officer Tilesio to sign anything before receiving the payment, saying that if he is due money, the Town should pay him.

Vice Mayor Hoover asked the Town Attorney what would happen if former Officer Tilesio refuses to sign the document. The Town Attorney said he wasn't sure.

Commissioner Runte said that if the Town Attorney is recommending the document then he will agree with it.

**Motion carried 4-1 with Commissioner Walter dissenting.**

**7. Adjournment**

**Commissioner Runte moved to adjourn; Commissioner Quarrie seconded;**  
**Motion carried 5-0.**

Meeting adjourned at 6:38 p.m.

**ATTEST:**

\_\_\_\_\_  
**James D. Simmons, Mayor**

\_\_\_\_\_  
**Jennifer Torres, Town Clerk**

# **Town of Melbourne Beach**

## **TOWN COMMISSION WORKSHOP**

**WEDNESDAY AUGUST 5, 2020 immediately  
following the STCM @ 6 pm  
MASNY ROOM – 507 OCEAN AVENUE**

## **DRAFT MINUTES**

### **Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

### **Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres

**1. Call to Order**

Mayor Simmons called the meeting to order at 6:40 p.m.

**2. Roll Call**

Town Clerk Torres conducted the roll call.

**Commissioners Present:**

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherri Quarrie

Commissioner Corey Runte

**Staff Present:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

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

**Vice Mayor Hoover moved to dispense with the Pledge of Allegiance and moment of silence; Commissioner Runte seconded; Motion carried 5-0.**

**4. Presentation**

None

**5. Public Comment**

None

**6. Old Business**

- A. Discussion, update and review of the resident permit parking program –  
Town Manager Mascaro

Town Manager Mascaro said there have been 755 permits issued and the Town is refunding any residents who were ticketed because they did not have a decal yet.

She said there has been a lot of positive feedback. They say there is less trash and they enjoy that they can get to the beach. She admitted there are also some non-residents who are upset they can't park in the decal only areas.

Commissioner Quarrie said the Commission started this resident decal program to make sure the residents got their money's worth and so we could take care of the beaches and parks. She said Ocean Park is a wonderful place where people who are driving from afar



can go and park. It has bathrooms, etc. The ends of streets have none of those accommodations.

She went on to say that she's really happy the residents are happy about it and she knows there are comments about parking spaces not being full – but she's not concerned because we are in the midst of a pandemic and added that she's really proud of what's going on and happy with it.

Town Manager Mascaro said there have been a few residents who said they would like to open it up to non-residents.

Mayor Simmons went over his observations of parking over the weekend. He handed out written record of his observations at various times of the day and noted that there were often a large amount of empty spots. The Mayor said he felt the Commission needs to have an open mind about opening up some of the decal-only spots to non-residents.

Commissioner Quarrie asked if he was suggesting charging via kiosk for non-residents to make payment for an end of access parking spot.

The Mayor said he was.

Commissioner Quarrie said her contention is that right now we are in pandemic mode and once the pandemic eases, the crossovers will be fuller.

Mayor Simmons said he thinks the situation should be monitored and adjusted if needed.

Commissioner Runte said he has always taken the position that the Town offer guest permits but can see that the beaches are cleaner now. He suggested the Town sell a limited amount like Indialantic does.

Commissioner Walters said his concern was that once Ocean Park has a kiosk, the residents will be going to the beach accesses. He felt that if non-residents are going to use the beaches, they should help pay for it.

Vice Mayor Hoover reminded the Commission that they had decided to review the program again in six months.

Public Works Supervisor Davis said he can see the Mayor's point about vacant parking spaces but he has received overwhelming enthusiasm from residents who enjoy how clean the beaches are.

**B. Review Documents at 9% Millage Rate, an Increase of \$103,073 Over Previously discussed figure. (21:22)**

Town Manager Mascaro explained that the Town received preliminary figures from the State for calculating roll back and millage rates – and then received the updated and final roll back and millage rate. The roll back rate increased from 4.1295 to 4.3414. The increase to the roll back increased the amount of Ad Valorem taxes the Town would receive at a 9% millage increase. Because the Commission had previously directed her to place any overage in the Stormwater Fund, she did so, but wanted to ask for direction from the Commission since the amount (\$103,073) is a substantial increase.

Mayor Simmons suggested returning the amount back to the taxpayers and keep lower the millage rate ~~at to~~ 4.5151% (4% over rollback) (instead of the previously proposed millage of 4,7321%). The Commissioners agreed.

## 7. Adjournment

**Commissioner Runte moved to adjourn; Vice Mayor Hoover seconded; Motion passed 5-0.**

Meeting adjourned at 7:11 p.m.

**ATTEST:**

\_\_\_\_\_  
**James D. Simmons, Mayor**

\_\_\_\_\_  
**Jennifer Torres, Town Clerk**

**Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING**

**MONDAY, AUGUST 19, 2020, 6:30 p.m.**  
**COMMUNITY CENTER, 509 OCEAN AVENUE**

**DRAFT MINUTES**

**Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr

**1. Call to Order**

Mayor Simmons called the meeting to order at 6:30 p.m.

**2. Roll Call**

Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr  
Town Attorney Cliff Repperger

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

Led by Mayor Simmons

**4. Presentations**

**5. Boards and Committees**

- A. Review of Town Board Volunteer Applications to fill Board vacancies

**Vice Mayor Wyatt Hoover moved to appoint Jamie Guth as a member of the Environmental Advisory Board; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Quarrie moved to appoint Tom Jones as an alternate of the Parks Board; Vice Mayor Hoover seconded; Motion carried 5-0.**

**Commissioner Quarrie moved to appoint Rachel Rubenstein as an alternate of the Parks Board; Vice Mayor Hoover seconded; Motion carried 5-0.**

**6. Public Comments**

*Ingrid Perkins*  
*510 3<sup>rd</sup> Ave*

Ms. Perkins said the Vacation Rental Ordinance confuses her and Mayor Simmons said she should schedule a meeting with the Town Manager to discuss her concerns.

*Steve Perkins*  
*510 3<sup>rd</sup> Ave*

Mr. Perkins said he agrees with his wife and stated he doubts there is one person in the room who has paid more taxes than his family.

*John England*  
*514 Ave. B*

Mr. England noted that the parking spaces at the end of streets are not being used and feels it's a good idea to roll those spaces into a paid parking program because it's a shame that the accesses are completely shut off.

*Mike Pollen*  
*305 Ave. B*

Mr. Pollen said he completely disagreed with the gentlemen who just spoke and felt for the first time that he didn't have to worry about animals, kids, and college students destroying his yard.

## **7. Approval of the Agenda**

Mayor Simmons added approval of the draft minutes to the agenda and reset the order of items, requesting that under Consent Agenda – Item D Reappointment of John Haig to the Board of Adjustment for a term of 3 years - be moved to New Business.

**Vice Mayor Hoover moved to approve the agenda as modified;**  
**Commissioner Quarrie seconded; Motion carried 5-0.**

## **8. Consent Agenda**

- A. Site Plan Review for 310 Fourth Avenue, Melbourne Beach
- B. Site Plan Review for 222 Surf Road, Melbourne Beach
- C. Reappointment of Charles Cain to the Board of Adjustment for a term of 3 years
- E. Reappointment of Kelli Hunsucker to the Environmental Advisory Board for a term of 2 years
- F. Reappointment of Genie Gold to the History Center Board for a term of 2 years
- G. Reappointment of Jo Solley-Hansen to the History Preservation & Awareness Board Center Board for a term of 2 years

**Vice Mayor Hoover moved to approve the Consent agenda;**  
**Commissioner Quarrie seconded; Motion carried 5-0.**

## **9. Public Hearings**

- A. First Reading of Ordinance 2020-04 amending Section 7A-102, Appendix A, Town Code of Melbourne Beach, Florida (Land Development Code) – Town Attorney Repperger
- B. Town Attorney Repperger read Ordinance 2020-04:

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF MELBOURNE BEACH, AMENDING SECTION 7A-102 TO AUTHORIZE THE CONSIDERATION OF CONDITIONS, LIMITATIONS, OR REQUIREMENTS IN A PROPOSAL FOR ZONING CHANGE OR AMENDMENT VOLUNTARILY PROFFERED AS PART OF A BINDING DEVELOPMENT AGREEMENT; CREATING SECTION 7A-103 AUTHORIZING BINDING DEVELOPMENT AGREEMENTS; PROVIDING A SERVERABILITY /INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

### **Public Comments**

*Tom Swenson  
220 Surf Road*

Mr. Swenson said he didn't understand what the Town Attorney said and Mayor Simmons proceeded to explain what Binding Development Agreements are.

**Vice Mayor Hoover moved to approve Ordinance 2020-04;  
Commissioner Runte seconded; Motion carried 5-0.**

## **10. Old Business**

- A. Review and possible action regarding Ordinance 7A-67 related to Boats & RVs – Commissioner Quarrie

Commissioner Quarrie provided excerpts from the minutes of past meetings where the proposed Ordinance had been discussed. After reviewing them, her assessment was that Planning & Zoning did recommend it and the Commission passed it and she felt it was tabled because there was some confusion. But based on the decisions made by both Planning & Zoning and the Commission, she felt the Ordinance should go forward and not be sent back to Planning & Zoning.

Commissioner Walters said Planning & Zoning wanted to separate RVs and boats in the Ordinance.

Commissioner Quarrie pointed out that Planning & Zoning considered separating boats and RVs, but didn't. They only asked the Commission to consider it and the Commission made the decision not to separate based on the cost of advertising.

Mayor Simmons said, to him, the issue is more of a code enforcement issue. We don't allow extended sides, sewer hookup, etc.

Commissioner Quarrie said the real issue is whether or not your neighbor can see any of your recreational vehicles and she felt that everyone who spoke at the last meeting agreed with her sentiment that if someone has an issue with what they are looking at, it's up to them to change their view.

Commissioner Runte expressed confusion as to why they are discussing this issue again because it was already dealt with at public hearings, etc.

Vice Mayor Hoover said he received a lot of feedback on the issue since March and felt the Commission should consider adding some additional requirements for RVs.

Commissioner Walters said this all started because we had a 14-foot tall, 45-foot RV next to a home and the Mayor recommended sending the issue to Planning & Zoning and they came back and said we would like to separate those issues. He added that Vice Mayor Hoover had comments not addressed yet and said Planning & Zoning is an advisory board and they know what they are doing. He added that when it came back to us we don't have to accept it and to not send it back to Planning & Zoning when they requested it is a slap in the face.

Mayor Simmons said he wanted to correct something. He did not recommend it was sent to Planning & Zoning - that is just the process they are required to follow. He added that we already sent it to them once and we don't send it back and forth.

### **Public Comments**

*Adam Myer  
214 Surf*

Mr. Myer's concern is that he is unaware how many RVs are parked in the Town. His guess is that people with large RVs are not the majority and his concern is that we will change the Town policy for a minority not the majority.

*Tom Swenson*  
*217 Surf*

Mr. Swenson said he agreed with Mr. Myer in that the Commission seems to be working for the minority not the majority.

*John England*  
*514 Ave. B*

Mr. England said that as a boat owner, he is in favor of being able to have a boat that is at least 30-feet in length.

Commissioner Runte commented that numerous code violations have been issued based on outdated code related to boats and RVs because over time the size has increased and everything is bigger. He said this Ordinance does have a lot to do with stopping repetitive code violations for an unreasonable code made 50 years ago.

*Jeff Saracca*  
*508 Banyan Way*

Mr. Saracca said he has had a 33-foot boat on the side of his house for years and he's been a resident, paying taxes to the Town longer than most people in the room. He disagrees with any change that would force anyone with a boat that is over the size regulations to find storage because that is very hard to do.

*Brian Troy*  
*509 Hibiscus Trail*

Mr. Troy said the 26-foot limit is outdated and storage is expensive and difficult to find.

Mayor Simmons said the Commission could go a couple different ways with this issue; send it back to Planning & Zoning, table it, or approve it.

**Commissioner Walters moved to send Ordinance 2020-03 back to Planning & Zoning; Vice Mayor Hoover seconded;**

**Motion failed 2-3, with Mayor Simmons, Commissioner Quarrie and Commissioner Runte in dissent.**



**Commissioner Quarrie moved to accept Ordinance 2020-03 as a First Reading; Commissioner Runte seconded; Motion carried 3-2 with Vice Mayor Hoover and Commissioner Walters in Dissent.**

- B. Review Social Media Policy. Provide edits and changes if necessary – Town Manager Mascaro

Town Manager Mascaro said she was tasked with creating a social media policy and part of that policy requires that if Commissioners have a social media account as a Commissioner, it must be approved through the Town. Each Commissioner is responsible for getting that information to Town staff because everything is subject to public records.

She asked the Commission if they had any changes or edits.

Town Attorney Repperger passed out a Sunshine Law overview to provide a general overview of what Sunshine Law entails.

Mayor Simmons and Vice Mayor Hoover each made a few minor grammatical edits to the policy.

**Public Comments**

*Ingrid Perkins*  
510 3rd Ave

Ms. Perkins suggested making meetings available online and live-streaming them.

*Sue Tompkins*  
204 Neptune Drive

Ms. Tompkins said she feels very fortunate that we have a Police Department that goes above and beyond the call of duty.

*Lauren Hardman*  
320 6th Ave.

Ms. Hardman asked what discipline occurs when a Commissioner uses slanderous language on social media. Mayor Simmons said they can be censured but not removed. Ms. Hardman felt there should be repercussions for bad behavior because her taxes should not be going towards Town Attorney bills caused by a Commissioner's bad behavior.

Walters wanted to clarify that the Town Manager does not have the right to censor him on his own media.

Town Attorney Repperger said she does not.

**Vice Mayor Hoover moved to approve the Town social media policy; Commissioner Runte seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

## **11. New Business**

**Added item:** Reappointment of Haig John to the Board of Adjustment for a term of 3 years

Mayor Simmons said the records show that Haig John of the Board of Adjustment had only made one meeting out of six in three years and he would not recommend reappointment.

Commissioner Walters agreed.

Mayor Simmons asked if there was a motion to reappoint Haig John. No motion was made.

**Dies for lack of a motion.** Haig John will not be reappointed to the Board of Adjustment

- A. Confirm Qualified Candidates and Order Names to be printed on the November 3, 2020 Municipal General Election and Special Election Ballot – Town Clerk Torres **(2:03)**

Town Clerk Torres said three candidates qualified for one (1) Commissioner-at-Large seat for a (2) two-year-term and one (1) candidate (who is unopposed) qualified for the Mayoral seat for a three (3) year term.

Mayor Simmons said Vice Mayor Hoover would need to recuse himself from the vote.

**Commissioner Quarrie moved to qualify Wyatt Hoover for the Mayoral Election on November 3, 2020 in the Town of Melbourne Beach; Commissioner Runte seconded;**

Commissioner Walters said only one candidate completed their paperwork correctly and the motion should include forgiving any discrepancies or errors in the candidate's paperwork. He asked that the motions are amended to include this forgiveness of errors. He indicated he will send the Town Clerk a list.

**Commissioner Quarrie withdrew her motion.**

**Commissioner Walters moved to qualify Wyatt Hoover as a candidate for the Mayoral Election on November 3, 2020 and order his name**

**listed on the ballot forgiving any discrepancies that may exist in his paperwork; Commissioner Runte seconded; Motion carried 54-0. (Vice Mayor Hoover recused himself from this vote.)**

**Commissioner Walters moved to qualify Joyce Barton as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in her paperwork; Commissioner Runte seconded; Motion carried 5-0.**

**Commissioner Walters moved to qualify Paul Carlson as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in his paperwork; Commissioner Runte seconded; Motion carried 5-0.**

**Commissioner Walters moved to qualify Gail Gowdy as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in her paperwork; Commissioner Runte seconded; Motion carried 5-0.**

- B. Consideration of ending Emergency Orders 2020-06 and 2020-07 or extending the Emergency Orders with Ordinance 2020-08 and Ordinance 2020-09—  
Mayor Simmons (2:09:35)

*Bruce Morgan  
501 Sunset Blvd.*

Mr. Morgan said he believes masks should be optional

*Ingrid Perkins  
510 3rd Ave*

Ms. Perkins said she believes masks should be used and would like to see the Commission extend the orders.

**Commissioner Runte moved to approve Emergency Order 2020-09 and Emergency Order 2020-10 which extend the Town mask mandate through September 17, 2020; Commissioner Quarrie seconded; Motion carried 5-0.**

- C. Review Proposal from Florida Solar Energy Council on Performing and Energy Analysis and Solar Feasibility Assessment – Town Manager Mascaro

Town Manager Mascaro said the EAB Board contacted Karen Fenaughty with Florida Solar Energy Council to determine the scope and cost of an energy audit for the Town Hall Complex. Their cost the proposal came back at \$5,000.

Vice Mayor Hoover said he doesn't think they should approve it at this time because it seems like a lot of money and he would like more details before approving. He would also like the Town to look into grants.

No motion made.

D. Consideration of allowing artwork to be painted on the Town's Stormwater drains  
– Town Manager Mascaro

Town Manager Mascaro explained that the EAB asked to have the Commission consider allowing artwork to be painted on the Town's Stormwater drains. The artwork would be completed by local artists (local schools, churches, youth groups and local artists) free of charge. The Town would supply the art supplies.

Commissioner Runte said that as long as there is quality control, he's good with it.

Vice Mayor Hoover said his biggest concern is what they will look like in 12-15 months.

*Ingrid Perkins*  
510 3rd Ave

Ms. Perkins said she would really like to see an encouragement of art in community.

*Joyce Barton*  
322 Avenue

Ms. Barton said she's concerned residents won't all know it was a planned thing and then they may go out and do it themselves so it could promote graffiti.

No motion made.

E. Consideration and Review of Quote from Computer Experts for new Software Licenses – Town Manager Mascaro

Town Manager Mascaro said the Town's current software licenses for Microsoft Office expire in October 2020. The quote from Computer Experts for new computer software licenses for 15 workstations is \$5,985.00

Commissioner Runte said the process is expensive and the way the Town Manager is presenting it is more cost effective.

**Public Comments**

*Ingrid Perkins*  
*510 3rd Ave*

Ms. Perkins asked if the Town considered having resident who owns a computer software company handle this.

Commissioner Runte said they have to go with Microsoft products.

**Commissioner Quarrie moved to approve the quote from Computer Experts for new software licenses; Vice Mayor Hoover seconded; Motion carries 5-0.**

- F. Consideration of moving money from the Reserve Account into a 360 day Certificate of Deposit account with an estimated 0.05%\* annual percentage yield, which translates to \$498.35 at 360 days – Finance Manager Kerr

The Finance Manager said the interest rate has returned to what it what was but the Commission could consider approving a move if the rate goes back down again.

#### **Public comments**

*Ingrid Perkins*  
*510 3<sup>rd</sup> Ave.*

Ms. Perkins said this sounds like a great idea but wondered if there is a particular reason the Town used BBR and not Space Coast Credit Union. The Mayor replied it was due to the fact that the bank must be a commercial bank.

**Commissioner Runte moved to give Ms. Kerr the authority to stagger two CDS to purchase CDs if the rate goes down to .05; Vice Mayor Hoover seconded; Motion carried 5-0.**

- G. Consideration of Budget Resolution 2020-05 – Finance Manager Kerr

Finance Manager Kerr explained that it's time to renew the Town's current health plan and recommended renewing the current plan because it's in the best interest of the employees.

**Vice Mayor Hoover moved to approve Budget Resolution 2020-05; Commissioner Runte seconded; Motion carried 5-0.**

- H. Consideration of Reallocation of Funds from FY 2019-2020 Fire Control Budget – Fire Chief Gavin Brown

Chief Brown requested the following:

1. Move Extractor Washer/Dryer line item to long term capital fund. (\$11,000)
2. Allow repainting of Fire Department interior garage walls with funding from Floor Refinishing capital item. (\$1,475)
3. Move remaining funds from Professional Services to long term capital fund to assist with the purchase of an equipment trailer and chief/administrative vehicle or the Fire Department. (Approx. \$50,000)

Commissioner Walters said he would be in favor of approving items 1-2 but thought that as far as vehicle the Chief should to ask the MBVFD Inc. to buy it.

Chief ~~Gavin Brown~~ said he's just asking for the money they didn't spend this year to be allocated for this purchase.

Commissioner Quarrie said she's happier leaving the money in rather than putting it into a new truck.

### **Public comments**

*Ingrid Perkins  
510 3rd Ave.*

Ms. Perkins said she is in favor of approving the vehicle because the Chief made valid points.

**Commissioner Walters moved to approve moving funds to assist with the purchase of an equipment trailer not to exceed \$8,000; Vice Mayor Hoover seconded; Motion carried 5-0.**

**Commissioner Walters moved that the Commission ask MBVFD Inc. to purchase Chief Brown a vehicle;**

**Motion died for lack of a second.**

- I. Consideration of request that the Town Commission give the Police Pension Board the authority to adopt required tax compliance changes by policy and then request the Town Commission to add by Ordinance at a later date - Attorney Bonni Jensen on behalf of Police Pension Board.

**Commissioner Walters moved the Commission give authority for the Police Pension to adopt required tax compliance changes by policy and advertise for a First Reading of the related Ordinance next month; Vice Mayor Hoover seconded; Motion carried 5-0.**

- J. Discussion and possible action related to two options that may offer safer bike travel in Town – Public Works Supervisor Davis

The Commission had requested that staff research options for safer bike travel in our Town. Public Works Supervisor Davis said research has been completed and two options identified. They are:

- Pavement markings of bike sharing lanes on the pavement with the cost of the stencil to do in-house painting is \$195 plus shipping. The cost of the paint and materials would depend on how many areas the symbol is applied. It must be painted on the pavement every 250 feet and after each intersection. Reflective paint would be the optimum material, or:
- Post the "Lanes Shared with Bikes" signs. It is not specified the frequency with which the signs must be posted. The signs could be posted on our present traffic control signs such as speed limit etc. The cost per sign would average about \$60 per sign.

**Vice Mayor Hoover moved to go forward with road stencils on streets that are 22-feet or wider and delay Orange; Commissioner Runte seconded; Motion carried 5-0.**

## **12. Staff Reports**

- A. Town Attorney Report - None
- B. Town Manager Report

Town Manager Mascaro said she heard back from FDOT about how they can reduce the speed limit on A1A.

In regard to Business Tax Receipts, she suggested the Commission consider waiving the fees due to the impact of COVID on local businesses.

Commissioner Walters requested that the candidates for office receive a copy of meeting agendas.

- C. Town Clerk Report – None
- D. Departmental Reports:
  - 1. Building Department

Commissioner Quarrie asked if the Building report could be changed so that private information isn't revealed.

- 2. Public Works Department - None
- 3. Code Enforcement - None
- 4. Police Department – None
- 5. Fire Department – None
- 6. Finance Department

**Commissioner Runte moved to approve the July Finance Report; Commissioner Quarrie seconded; Motion carried 4-0 with Commissioner Walters in dissent.**

### **13. Town Commission Comments**

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

#### **Closed:**

- Comprehensive plan for safe pedestrian and bike routes
- Social Media Policy
- Establish Facebook pages

#### **Updates:**

- **Collaborate with Indialantic for Joint Request to FDOT to reduce Speed:** Will update at Oct. RTCM.
- **Street Repaving** – TM did not receive costs from Scott. Update at Sept RTCM.
- **Charging stations:** PWS says breaker box must be replaced at a cost of \$3,000-\$4,000. TM asked to see how much generic cost would cost and update at Sept RTCM.
- **Employee 6-month evaluations:** Almost all in. TM asked Commission to consider changing timing of evaluations to October in 2021 around the time of the annual review.
- **Code enforcement magistrate:** Move First Reading to September
- **Sheds on corner lots:** Send to PNZ for review in October

### **14. Adjournment**

**Vice Mayor Hoover moved to adjourn; Commissioner Runte seconded; Motion carried 5-0.**

Meeting adjourned at 10:28 p.m.

**ATTEST:**

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**James D. Simmons, Mayor**

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**Jennifer Torres, Town Clerk**



# **Town of Melbourne Beach**

## **TOWN COMMISSION WORKSHOP**

**WEDNESDAY, September 2, 2020, 6:00 p.m.  
MASNY ROOM, 507 OCEAN AVENUE**

### **DRAFT MINUTES**

#### **Commission Members:**

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Sherrie Quarrie

Commissioner Corey Runte

#### **Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

## 1. **Call to Order**

Mayor Simmons called the meeting to order at 6:30 p.m.

## 2. **Roll Call**

### Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

### Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr

### Commissioners Absent:

Commissioner Steve Walters

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

Led by Mayor Simmons

## 4. **Public Comment**

*Dan Brunger*  
400 6<sup>th</sup> Ave.

Mr. Brunger said he heard there was some theft of the recently issued beach parking decals and suggested residents “score” them to keep them from being stolen.

*Thijs Stelling*  
902 Oak Street

Mr. Stelling said that upon his return from vacation he learned of the proposed RV/Boat Ordinance. He expressed frustration that this issue is back because he thought it was already settled. He didn’t agree with separating the boats and RVs in the Ordinance because boats can be just as big as RVs. Mr. Stelling also mentioned receiving a letter in March which he proceeded to hand out and said many people who received this letter made financial decisions based on it.

Mayor Simmons said he needed to clarify the issue. The motion made in March was for the Town Attorney to develop an Ordinance. It was then sent to Planning & Zoning for a non-binding recommendation. So despite what the letter says – the Town Commission did not pass the changes – only permission for the Town Manager to authorize the Town Attorney to draft an Ordinance. He said the second reading of the draft Ordinance will be at the September 16 RTCM.

*Judith Neal*  
*316 Banyan Way*

Ms. Neal said she moved to Melbourne Beach five years ago – looking for a home where they could park their RV and were told they could have the Fifth Wheel they own on their property. She said none of her neighbors have complained and when Mr. Stelling let her know about the proposed Ordinance she wanted to come and say that she was opposed to being told what she can do with her property and what she can't.

Mayor Simmons said she should not have listened to the Realtor – instead she should have contacted someone from the Town because that wasn't the code.

Commissioner Runte asked Ms. Neal to clarify that she is in favor of increasing the length of RVs to 45- feet and therefore in favor of the Ordinance – and she said yes.

*Deborah Marchese*  
*310 1st Avenue*

Mr. Marchese said there are a lot of trailers and cargo trailers sitting out by the road and nothing is done about that.

## **5. Presentation**

### **A. Presentation on beach re-nourishment by Michael McGarry of Brevard County Natural Resources Management**

Mr. McGarry discussed how the recent decision of the Town Commission to create resident-only permitted parking at the Town dune crossovers may have possible effects on funding local beach re-nourishment projects.

He shared a series of before and after photos to demonstrate how beach re-nourishment has significantly improved local beaches after various storms and reminded the Town that without beach re-nourishment, the area would be significantly less attractive which would affect the Town's tax base.

He explained that the recent decision of the Town to create resident-only parking in certain areas could make the area ineligible for beach re-nourishment funding because it impacts the federal funding which he said requires beach parking access to remain public and that the Town is free to charge for parking – but they must allow residents and non-residents access to the parking permits.

In the current budget he said there is about \$12 million dollars for re-nourishment and that while Ocean Park is currently open to the public, it

still counts as public accessible, but with the current resident-only permit parking at the dunes that makes 43-percent of the Town's shoreline ineligible for funding – amounting to about \$1.8 million. He said he realizes the Town never signed on the dotted line and agreed to certain terms that would keep beach parking public, however, the Town was very supportive of the project years ago when it was conceived and he hopes the Town agrees the beach has value and the re-nourishment has value. Cocoa Beach and Indialantic charge for parking but structured their program to comply with the program and are therefore eligible for funding.

He went on to explain that normally they won't let you skip areas when they re-nourish – they have to do the whole area. So, in the event they can't reach a resolution with Melbourne Beach it could also affect other areas like Indialantic.

Mayor Simmons asked how the City of Melbourne gets away with not allowing public parking on their beachfront property and instead builds high-rises on it – but they are still eligible for re-nourishment funding.

Mr. McGarry said much of Melbourne Beach is also private such as the Breakers.

Commissioner Runte said there is an easy solution and that is that the Town should simply offer visitor parking passes.

Commissioner Quarrie said we are only talking about eight crossovers and this area is the Town's access and our residents are paying for that.

Further discussion ensued about the issue and possible options.

Mr. McGarry said he was only recently made aware of the newly instituted resident-only parking and wanted to reach out to the Town to try and work through the issue before others have to get involved.

Commissioner Runte suggested that Mr. McGarry talk to his contacts at the County and help them understand that the County has to work better with the Town to enable things to work both ways – because it feels that the county is always asking for things from the Town without ever giving anything back.

Mr. McGarry said he is willing to do what he can but wants the Town to understand he is in a specific department and can likely only do so much to improve the relationship.

Mayor Simmons asked Mr. McGarry, if we went to all paid parking, would residents have to pay as well?

Mr. McGarry said the City of Cocoa Beach phrased their program so that residents pay for their parking through their taxes and non-residents pay a fee.

Vice Mayor Hoover asked how many visitor passes they would have to issue to comply. Mr. McGarry said he did not know the answer to that – but if the intent is clearly seen as one that restricts visitors - that may be an issue. He said he would ask the state if there is a specific number.

Commissioner Runte asked what the deadline is to comply.

Mr. McGarry said it won't be looked at closely until next June when he will have to mark the parking truthfully and submit that to the state. However, if someone from the state comes to Town and sees the signs – resident-only parking – they may take action sooner and that may result in a loss of grant funding, adding that money may even have to be returned.

Vice Mayor Hoover suggested they discuss this issue and possible solutions at the October RTCM.

Mayor Simmons recognized Doug Hilmes, who had raised his hand and said while they do not typically allow public comment at this time but Mr. Hilmes was being insistent so he would allow it.

*Doug Hilmes*  
443 Riverview Lane

Mr. Hilmes said that while on a walk he saw Ocean Avenue Park was full but Avenue A and Avenue B were empty. He then discovered all eight accesses were empty with only one car parked. Despite resident passes being handed out, he said no one is using them and suggested the Town sell guest passes and make some money for the Town.

*Deborah Marchese*  
310 1<sup>st</sup> Avenue

Ms. Marchese said she is unhappy that handicapped parking was eliminated. She also said there is not enough room to park on one side of the street and have two-way parking – so they should be made one-way. Also she suggested the Town speak to everyone on those streets because they don't understand what resident-only parking means.

The Mayor thanked Mr. McGarry for coming to the meeting and explaining the situation.

Vice Mayor Hoover said he had a side-issue to discuss. He said the whole county is growing and the population is exploding. These people come to

Brevard's beaches and he thought there should be more traffic mitigation effort on the part of the County. As an example, he proposed offering more of a public transportation network.

Town Manager Mascaro said there once was public transportation offered in this area but very few people used it.

Further discussion ensued about how the County could do more to help the Town of Melbourne Beach.

## **6. Adjournment**

**Commissioner Runte moved to adjourn; Commissioner Quarrie seconded; Motion carried 4-0.**

The meeting adjourned at 7:46 p.m.

**ATTEST:**

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**James D. Simmons, Mayor**

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**Jennifer Torres, Town Clerk**

# **Town of Melbourne Beach**

## **SPECIAL TOWN COMMISSION MEETING**

**WEDNESDAY, September 9, 2020, 6:00 p.m.  
COMMUNITY CENTER, 509 OCEAN AVENUE**

### **DRAFT MINUTES**

#### **Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

#### **Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr

**1. Call to Order**

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

**2. Roll Call**

Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walter  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr  
Town Attorney Cliff Repperger  
Public Works Supervisor Tom Davis

Commissioners Absent:

Commissioner Steve Walters

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

Led by Mayor Simmons

**4. Roll Call**

**5. Pledge of Allegiance and Moment of Silence**

**6. Public Comment**

*Tom Loizzo*  
*445 Riverview Lane*

Mr. Loizzo said he did not think this was a good time to raise taxes, citing the pandemic, job loss, and an uncertain future for local businesses.

**7. Public Hearings**

**A. Public Hearing on the Town's Fiscal Year 2020/2021 (FY21) Millage Rate and Annual Budget – Town Manager Mascaro**

Town Manager Mascaro said she was submitting the proposed final fiscal year 2021 budget for consideration including a Ten Year Capital Plan, as required by the Town Charter. She summarized by saying that The General Fund budget is submitted in the amount of \$3,376,532 and includes a 4% millage increase over the rollback rate. The millage rate as approved by the Town Commission is 4.5151 % this millage rate will generate \$1,992,327 in Ad-Valorem revenues.



## 8. Public Comment

*Tom Loizzo*  
*445 Riverview Lane*

He reminded the Commission to not make the choice to raise taxes based on what other larger municipalities are doing.

*Linda Loizzo*  
*445 Riverview Lane*

Ms. Loizzo asked the Commission to consider the fact that there are a lot of older adults in Town and they should reconsider raising taxes at this time.

Mayor Simmons said there are programs in place to assist senior citizens that are having a difficult time paying their tax bill and if she knows anyone who needs assistance to please direct them to Town Hall for more information

## 9. New Business

- A. Resolution 2020-07, Adopting the Tentative Millage Rate for Fiscal Year 2020-2021 – Town Manager Mascaro

Mayor Simmons read Resolution 2020-07:

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.

**Vice Mayor Hoover moved to adopt Resolution 2020-07 setting the tentative operating millage rate for Fiscal Year 2020/2021 at 4.5151 mills which is greater than the roll back rate of 4.3414 by 4.00% and setting the tentative debt service millage rate for Fiscal Year 2020/2021 at .9999%; Commissioner Runte seconded.**

The Town Clerk took a roll call vote:

**Mayor Jim Simmons - aye**  
**Vice Mayor Wyatt Hoover - aye**

**Commissioner Steve Walters - nay**  
**Commissioner Sherri Quarrie - aye**  
**Commissioner Corey Runte – aye**

**Motion carried 4-1.**

- B. Resolution 2020-08, Adopting the Tentative Budget for Fiscal Year 2020-2021 – Town Manager Mascaro

Mayor Simmons read Resolution 2020-08:

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.

**Vice Mayor Hoover moved to adopt Resolution 2020-08 setting forth the appropriations and revenue estimate for the tentative budget for Fiscal Year 2020/2021 in the amount of \$3,376,532; Commissioner Runte seconded;**

The Town Clerk took a roll call vote:

**Mayor Jim Simmons - aye**  
**Vice Mayor Wyatt Hoover - aye**  
**Commissioner Steve Walters - nay**  
**Commissioner Sherri Quarrie - aye**  
**Commissioner Corey Runte – aye**

**Motion carried 4-1.**

# **10. Adjournment**

**Commissioner Runte moved to adjourn; Vice Mayor Hoover seconded; Motion carried 5-0.**

Meeting adjourned at 6:12 p.m.

**ATTEST:**

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**James D. Simmons, Mayor**

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**Jennifer Torres, Town Clerk**

# **Town of Melbourne Beach**

## **SPECIAL TOWN COMMISSION MEETING**

**MONDAY, September 21, 2020, 6:00 p.m.  
COMMUNITY CENTER, 509 OCEAN AVENUE**

### **DRAFT MINUTES**

**Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr

## 1. Call to Order

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

## 2. Roll Call

### Commissioners Present:

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

### Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr  
Town Attorney Cliff Repperger

## 3. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

## 4. Public Comment

## 5. Public Hearings

### A. Public Hearing on the Town's Fiscal Year 2020/2021 (FY21) Millage Rate and Annual Budget – Town Manager Mascaro

Town Manager Mascaro said we are here to vote the final millage, final budget and the final stormwater budget for Fiscal Year 2021. Commissioner Walters queried about the terms of the increase for law enforcement. He asked the Town Attorney if he could introduce a line item that would benefit the police officers. He presented the Town Attorney with a copy of the motion. After reviewing it, Town Attorney Repperger said the line item can't be added to the budget without addressing it in the negotiations. Town Manager Mascaro said we don't yet have a contract for 2021.

Commissioner Walters agreed to bring the matter up at the next meeting.

**Commissioner Walters moved there be no salary increase for the Police Chief or Town Manager until such time as the town staff is stabilized and the chaos created by the numerous resignations, terminations and forced resignations end;**

**Motion dies for lack of a second.**

## 6. New Business

### A. Resolution 2020-09, Adopting the Final Millage Rate for Fiscal Year 2020-2021 – Town Manager Mascaro

Mayor Simmons read Resolution 2020-09:

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.

**Vice Mayor Hoover moved to adopt Resolution 2020-09 setting the final operating millage rate for Fiscal Year 2020/2021 at 4.5151 mills which is greater than the roll back rate of 4.3414 by 4.00% and setting the voted debt service millage rate for Fiscal Year 2020/2021 at .9999%; Commissioner Quarrie seconded;**

### **Public comment**

*Chris ~~w~~Wall  
512 Magnolia Ave*

Mr. Wall asked for clarification on the millage rate and the increase in stormwater services budget, which the Mayor provided.

The Town Clerk took a roll call vote:

**Mayor Jim Simmons - aye**  
**Vice Mayor Wyatt Hoover - aye**  
**Commissioner Steve Walters - nay**  
**Commissioner Sherri Quarrie - aye**  
**Commissioner Corey Runte – aye**  
**Motion carried 4-1.**

- B. Resolution 2020-10, Adopting the Final Budget for Fiscal Year 2020-2021 – Town Manager Mascaro

Mayor Simmons read Resolution 2020-10:

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2020/2021; PROVIDING FOR AN EFFECTIVE DATE.

**Vice Mayor Hoover moved to adopt Resolution 2020-10 setting forth the appropriations and revenue estimate for the final budget for Fiscal Year 2020/2021 in the amount of \$3,376,532; Commissioner Quarrie seconded;**

The Town Clerk took a roll call vote:

**Mayor Jim Simmons - aye**  
**Vice Mayor Wyatt Hoover - aye**

**Commissioner Steve Walters - nay**

**Commissioner Sherri Quarrie - aye**

**Commissioner Corey Runte – aye**

**Motion carried 4-1.**

- C. Resolution 2020-11, certifying the annual Stormwater Utility Assessment Roll for the Town of Melbourne Beach Stormwater Utility budget for fiscal year 2020/2021 - Town Manager Mascaro

Mayor Simmons read Resolution 2020-11:

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, CERTIFYING THE ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR THE TOWN OF MELBOURNE BEACH STORMWATER UTILITY BUDGET FOR FISCAL YEAR 2020/2021; AND PROVIDING FOR AN EFFECTIVE DATE.

**Vice Mayor moved to adopt Resolution 2020-11 certifying the annual Stormwater Utility Assessment Roll for the Town of Melbourne Beach Stormwater Utility budget for fiscal year 2020/2021; Commissioner Runte seconded;**

The Town Clerk took a roll call vote:

**Mayor Jim Simmons - aye**

**Vice Mayor Wyatt Hoover - aye**

**Commissioner Steve Walters - aye**

**Commissioner Sherri Quarrie - aye**

**Commissioner Corey Runte – aye**

**Motion carried 5-0.**

## **7. Adjournment**

**Vice Mayor Hoover moved to adjourn; Commissioner Quarrie seconded; Motion carried 5-0.**

Meeting adjourned at 6:17 p.m.

**ATTEST:**

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**James D. Simmons, Mayor**

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**Jennifer Torres, Town Clerk**



## Regular Town Commission Meeting Agenda 10-A

**Section:** Old Business  
**Meeting Date:** November 18, 2020  
**Subject:** Charging Station Electric Vehicles  
**Submitted By:** Elizabeth Mascaro, Town Manager

### Background Information:

The Town Commission had asked the Town Manager to look into the cost of installing electric charging stations. (Action Item) The cost of a charging station for Tesla's is \$1600.00. The cost of purchasing a charging station for all other electric vehicles is \$1058. Plus @\$500 for additional hardware (Leviton system).

We have received 3 proposals for installation:

Eau Gallie	\$4050.
Stingray	\$6800.
Complete	\$2300

**Recommendation:** Public Works favors Eau Gallie electric for the installation. If the Town only wants to install one station at a time, I would suggest the Leviton, all car charging station

### Attachments:

1. Leviton Bollard mounting picture
2. Three installation quotes
3. Tesla cost breakdown

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**Complete Electric, Inc.  
Complete Alarm, Inc.  
637 Sebastian Blvd.  
Sebastian, Fl. 32958**

Indian River: (772) 388-0533 Brevard: (321) 726-0601 St. Lucie: (772) 344-3444  
Fax: (772) 388-2411

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[www.completeelectricinc.com](http://www.completeelectricinc.com)

Date: June 24<sup>th</sup>, 2020  
Name: Town of Melbourne Beach  
Address: 507 Ocean Avenue, Melbourne Beach, Florida 32951  
Email: [adminassistant@melbournebeachfl.org](mailto:adminassistant@melbournebeachfl.org)  
Phone: (321) 213-0122  
Re: Tesla Charger

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Complete Electric, Inc. Is Pleased To Present You, With Our Proposal Detailed Below:

**Scope of Work:**

- Obtain a permit.
- Coordinate a disconnect/reconnect with FPL. Meter # KEL8405.
- Remove the existing 200-amp main breaker Nema 3R enclosure.
- Supply and install a Square D QO series 200-amp main breaker Nema 3R enclosure in place of the removed enclosure.
- Supply a trench between the new enclosure and the proposed Tesla charger location. Undermining the walkway as well as opening a hole in the asphalt will be completed by Town of Melbourne Beach prior to our arrival.
- Supply and install a conduit with (1) set of 240-volt 100 amp rated CU conductors in the trench.
- Install and wire the Tesla charger supplied by Town of Melbourne Beach.

**TOTAL: \$2,300.00**

**NOTES**

- Only the items listed above are included in this quote. If further work is requested it will be completed at a separate time and material rate.
- While it is our goal to snake/install new cables in a finished home without opening any drywall, there are situations where this is beyond our control. If such a situation were to occur, it will be discussed with the Homeowner prior to any openings. Any openings that are approved will be secured to the wall/ceiling upon completion. Any drywall repair, spackle, or paint that is required will be the sole responsibility of the Homeowner.
- Trenching will be completed in a neat and professional manner. Any pre-existing conduits or cables that have not been properly buried, may become damaged while our crew is trenching. If such a situation were to occur, it will be the sole responsibility of the home owner to have any necessary repairs made.

**If The AHJ Requires Additional Devices Or Items Not Indicated On The Plans, Or Not Included In The Specifications They Will Be Added At Additional Cost. Quote Based On Working Hours, 7:00 AM – 3:30 PM. Damage Resulting From the Installation Of Our Scope Of Work To Underground Items That Have Not Been Identified By Locates Will Not Be The Sole Responsibility Of The Electrical Contractor.**

No Permit fees or FPL fees are included in the above quote. Quote is valid for 30 days. All Work will be performed in accordance to the National Electric Code standards and local ordinances. Please contact us if we can provide you with any additional information.

**If work does not commence within 30 days of the date of this proposal, or if work is delayed after the designated start date, Complete Electric, Inc. reserves the right to increase the price to the current material cost at that time.**

**Estimator: Justin Cody**

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**Payment Schedule: 30% due at signing of quote, balance upon completion.**

**PAYMENT LIABILITY**

Customer signature signifies authorization of quoted work and acceptance of payment liability. Payment is due upon completion of work or satisfactory passing of any required inspection. If the invoice is not paid and the Contractor engages an attorney to enforce collection the customer agrees to pay all expenses including court costs and reasonable attorney fees to be fixed by any court in which said attorney is required to appear. The Customer further agrees that he or she may be sued in an Indian River County, Florida Court, the payment for material and labor provided under this contract shall be due and payable in full on the above date and shall be made at our office in Sebastian, Florida. Interest at the rate of 1.5% per month (18% annually) shall be charged for any amount not paid within the said 20 days. In any litigation arising out of this contract, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, including appellate proceedings. If judicial proceedings are necessary to enforce the terms of this contract, venue shall be in a State of Florida court of competent jurisdiction in Indian River County, Florida.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

**Regular Town Commission Meeting Agenda****11-A****Section: New Business****Meeting Date: November 18, 2020****Subject: Contract Renewal Clifford Repperger****Submitted By: Elizabeth Mascaro, Town Manager**

**Background Information:** The Agreement for Legal Services with the Town Attorney (Clifford R. Repperger, Jr., Esq) had an initial term of December 1, 2014 to November 30, 2017. On February 21, 2018, the parties entered into a Renewal of the Agreement for Legal Services (nunc pro tunc) for a three-year period from December 1, 2017 to November 30, 2020. The proposed renewal term would run from December 1, 2020 to November 30, 2023. As incentive to enter into the Renewal of Agreement for Legal Services, Attorney Repperger has offered to waive the five dollars (\$5.00) per hour increase provided for in Article 4 of the initial Agreement. The five dollar per hour increase was also previously waived in the prior renewal such that rates have remained the same since entry into the initial agreement in 2014. Under Article 7 of the Agreement, the Town may terminate the Agreement for convenience upon thirty (30) days written notice. There has been no increase in the hourly rate since the inception of the contract in 2014. The rate will remain at \$200.00 per hour. Attorney Repperger regularly attends RTCM, Board of Adjustment, and Code meetings. He attends Planning & Zoning meetings, workshops and special meetings as requested.

**Recommendation:** Review contract to extend the relationship with Attorney Repperger for an additional 3 years.

**Attachments:**

1. Draft Renewal Agreement for Legal Services
2. Initial Agreement for Legal Services

**NOTE:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for disabled individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or [townclerk@melbournebeachfl.org](mailto:townclerk@melbournebeachfl.org).



**RENEWAL OF**  
**AGREEMENT FOR LEGAL SERVICES**

This RENEWAL OF AGREEMENT FOR LEGAL SERVICES is entered into this 18<sup>th</sup> day of November, 2020 between TOWN OF MELBOURNE BEACH, FLORIDA, a Florida Municipal Corporation (hereinafter “TOWN”), 507 Ocean Avenue, Melbourne Beach, FL 32951 and CLIFFORD R. REPPERGER, J.R., ESQ. (hereinafter “CONTRACTOR”) of WHITEBIRD, PLLC, 730 E. Strawbridge Avenue, Suite 209, Melbourne, FL 32901.

**RECITALS**

**WHEREAS**, TOWN and CONTRACTOR entered into an Agreement for Legal Services (“Agreement”) on or about November 26, 2014; and

**WHEREAS**, Article 3 of the Agreement provides for a three (3) year term beginning on December 1, 2014 and ending on November 30, 2017; and

**WHEREAS**, on February 21, 2018, TOWN and CONTRACTOR entered into a Renewal of the Agreement for Legal Services to run from December 1, 2017 to November 30, 2020; and

**WHEREAS**, on May 20<sup>th</sup> 2020, the TOWN Commission entered into a Memorandum of Understanding transitioning of all of the TOWN’s legal files and data maintained by CONTRACTOR to WhiteBird, PLLC; and

**WHEREAS**, the Parties are agreeable to renewing the term of the initial Agreement for an additional three (3) year term in accordance with Article 3 of the Agreement; and

**WHEREAS**, the Parties are agreeable to waiving the allowable increase to rates during the additional three (3) year renewal term as provided in Article 4 of the Agreement;

**NOW THEREFORE**, in consideration of the premises herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto hereby agree as follows:

1. The term of the Agreement between the Parties shall be renewed for an additional three (3) year term from December 1, 2020 to November 30, 2023.

2. The Parties agree that the allowable five dollar (\$5.00) per hour rate increase allowed for in Article 4 of the Agreement shall be waived during the renewal period from December 1, 2020 to November 30, 2023. The rate during the renewal period shall stand fixed at a rate of \$210.00 per hour for general representation.

3. Except as provided herein, all other terms of the Agreement shall remain in full force and effect during the renewal period from December 1, 2020 to November 30, 2023.

4. The effective date of this Renewal of Agreement for Legal Services shall be December 1, 2020.

**IN WITNESS WHEREOF**, the parties hereto have executed this Renewal of Agreement for Legal Services on the dates written below.

TOWN OF MELBOURNE BEACH,  
FLORIDA, a Florida Municipal corporation

By: \_\_\_\_\_  
WYATT HOOVER,  
MAYOR

(TOWN SEAL)

ATTEST:

\_\_\_\_\_  
Jennifer Torres,  
Town Clerk

CONTRACTOR:

CLIFFORD R. REPPERGER, ESQ.,

By: \_\_\_\_\_  
CLIFFORD R. REPPERGER, JR., ESQ.,

PARTNER,  
WHITEBIRD, PLLC

**Regular Town Commission Meeting****11-B****Section:** New Business**Meeting Date:** November 18, 2020**Subject:** Appoint New Vice Mayor**Submitted By:** Elizabeth Mascaro, Town Manager

**Background Information:** As Wyatt Hoover becomes the Mayor of Melbourne Beach a new Vice Mayor must be appointed by the Commission

**Recommendation:** Appoint a Vice Mayor**Attachments:** None

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## Town Commission Agenda Item 11-C

**Section:** New Business

**Meeting Date:** November 18, 2020

**Subject:** Resolution 2020-14 Transfer of inter-departmental fund in the General Fund from Dept. 11 to Dept. 12, Dept. 41 to Dept. 12, Dept. 29 to Dept. 13, Dept. 15 to Dept. 14, and Dept. 19 to Dept. 14, Dept. 16, and Dept. 21, and \$30,000 from Dept. 22 Professional Services to Fund 333, Long Term Capital, for a fire vehicle. This will be the final budget adjustment for Fiscal Year 2020

**Submitted By:** Finance Manager Kerr

**Background Information:** According to Town Code of Ordinances, 15-6 BUDGET AMENDMENTS AUTHORIZED at any time in any budget year, the Town Commission may amend the adopted budget or transfer any unencumbered balance, or portion thereof, from one fund, office, department or agency to another by approval of a resolution providing for same.

In addition 15-7 TRANSFERS OF APPROPRIATIONS, The Town Manager may, with the approval of the Town Commission, transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within any office, department or agency.

Resolution 2020-14 complies with these ordinances.

The overall budget expenditures are not increased. The transfers are to cover over expenditures on a departmental level.

**Recommendation:** Motion to Approve Resolution 2020-14

### **Attachments:**

1. Resolution 2020-14

**NOTE:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for disabled individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or [townclerk@melbournebeachfl.org](mailto:townclerk@melbournebeachfl.org).

**RESOLUTION NO. 2020-14**

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2019-2020; AMENDING RESOLUTION NO 2020-12; AMENDING EXPENDITURES FOR THE TOWN'S GENERAL FUND; ESTABLISHING AUTHORITY FOR THE TOWN MANAGER TO IMPLEMENT THE BUDGET; AND PROVIDING FOR ADOPTION**

**WHEREAS**, the Town Commission adopted the Budget for the Town of Melbourne Beach for the fiscal year beginning October 1, 2019 and ending September 30, 2020 by Resolution No 2020-12; and

**WHEREAS**, this Resolution amends Resolution No 2020-12 covering the period October 1, 2019 to September 30, 2020; and

**WHEREAS**, the Town Commission of the Town of Melbourne Beach has conducted the requisite public hearing(s) on this resolution as required by Section 166.241, Florida Statutes and Section 15-6, Melbourne Beach Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Melbourne Beach, Florida, as follows:

Section 1. That the 2019-2020 Town Budget for the General Fund and Resolution No 2020-12 adopting the aforesaid amended budget, is hereby amended with the following amendments. Not all funds or accounts are depicted. Funds, accounts, and departmental budgets or appropriations not shown are not amended. There are no revenue increases. The overall budget bottom is not increased.

#1

Transfer \$40,000.00 from Dept. 11 (Legislative) and \$2,700.00 from Dept. 41 (Public Works) to Dept. 12 (Executive) to cover higher than anticipated cost in salary, severance payment, and FICA.

Transfer \$700.00 from Dept. 29 (Code Enforcement) to Dept. 13 (Finance) to cover higher than anticipated expenditures for Professional Services.

Transfer \$5,100 from Dept. 15 (Comprehensive Planning) and \$18,353.25 from Dept. 19 (General Services) to Dept. 14 (Legal Counsel) to cover higher than anticipated cost of legal fees.

Transfer \$5,675.00 from Dept. 19 (General Services) to Dept. 16 (FEMA) to cover the additional expense for the COVID Pandemic.

Transfer \$27,000 from Dept. 19 (General Services) to Dept. 21 (Law Enforcement) to cover the increase cost in the police pension.

#2

Transfer \$30,000 from Dept. 22 (Fire) Professional Services to Fund 333 Long Term Capital for a fire vehicle.

Section 2. That the amounts shown in Section 1. of the Resolution are hereby appropriated out of the treasury of the Town and any revenues accruing to the Town available for said purposes of the Town's budgetary accounts.

Section 3. That the Town Manager is hereby authorized and directed to proceed with the implementation of the service programs and projects provided for in the budget. Such implementation is to be consistent with the provisions of the Town Code of Ordinances and policies established by the Mayor and Town Commission.

Section 4. That the appropriations and authorizations provided in this resolution are hereby made effective as of November 18, 2020.

**PASSED AND ADOPTED** by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this 18th day of November, 2020.

TOWN OF MELBOURNE BEACH,  
FLORIDA, a Florida Municipal Corporation

By: \_\_\_\_\_  
Wyatt R. Hoover, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Torres  
Town Clerk

(TOWN SEAL)

## Regular Town Commission Meeting Agenda 11-D

**Section:** New Business

**Meeting Date:** November 18, 2020

**Subject:** Shortfall in Building Fund Budget

**Submitted By:** Jennifer Kerr, Finance Manager

### Background Information

The Building Fund is a separate fund that is not a profit center. At one time it did cover the cost to operate but it no longer generates enough funds to cover the expenditures. The shortfall needs to be budgeted from the General Fund.

Building Inspections have steadily increased over the past six years. Going from 710 inspections in FY14 to 1,948 inspections in FY20. Although new builds have decreased, renovations and pool installs have increased in the past year by 70%.

### Recommendation:

- Stop the transfer of \$18,000 from Building Fund to General Fund.
- FY21: Use money from reserves in FY21 budget to cover any shortfall in the Building's budget.
- From here on - budget for this shortfall each year.

### Attachments:

1. Building Department Activity from FY14 to FY20

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## **Regular Town Commission Meeting Agenda     11-E**

**Section:**                **New Business**

**Meeting Date:**        **November 18, 2020**

**Subject:**                **2021 Town Commission/Boards Meeting Schedule**

**Submitted By:**        **Beth Crowell, Building Assistant**

### **Background Information**

N/A

### **Recommendation:**

Consider approval of the 2021 schedule of meetings

### **Attachments:**

1. 2021 Schedule of Meetings

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**Town Commission Agenda Item****11-F****Section:** New Business**Meeting Date:** November 18, 2020**Subject:** New Dune Crossover designs**Submitted By:** Commissioner Quarrie**Background Information:**

Upon learning that the sea grapes being shortened strengthened their deeper root system to secure the due, I started thinking about ways to enhance the experience of looking out from our parking areas to the beach. Some seniors just want to look at the beach without experiencing the actual sand and water. I would like to for the Town to get a permit if required to reduce the height of the sea grapes and receive new plans to be installed at each Town owned end of street parking area.

**Recommendation:** Discussion and possible action:**Suggested Design Criteria:**

- Lowest possible elevation to parking surface.
- Entrance ramp to crossover if possible.
- Sitting Benches.
- One end of crossover platform without seating for standing.
- Stairs to beach

**Attachments:**

1. Rough sketches included (sorry about my drawing abilities)

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**Regular Town Commission Meeting Agenda****11-G****Section:** New Business**Meeting Date:** November 18, 2020**Subject:** MOU for Fire Department Gear Washer & Dryer**Submitted By:** Fire Chief Gavin Brown**Background Information:**

As mentioned last month, the Fire Department has partnered with 3 other local municipal fire departments (Indialantic, Indian Harbour Beach, & Satellite Beach) to purchase an extractor style washer and rack dryer. This equipment is necessary to wash a firefighter's structural gear after a fire to prevent the spread of cancer causing carcinogens. To assist with the cost of the project, the Department submitted and was awarded a regional FEMA Assistance to Firefighters Grant in the amount of \$22,272. While this is not the full amount requested, it will certainly help offset the cost to the Town and to the other fire departments partnering in this project. A MOU between the municipalities is needed to make sure all involved parties understand the program and agree to participate in sharing the costs associated.

**Recommendation:**

Sign Memorandum of Understanding along with the other Municipalities to agree to help share the cost of the project and ongoing costs of equipment and maintenance.

**Attachments:**

1. MOU Attached

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## Town Manager Report for September 2020

1. P&Z will be reviewing the Comprehensive Plan in 2 meeting beginning with the December 2020 meeting.
2. P&Z was not in favor of changing the LDC to accommodate sheds on corner lots.
3. As of Thursday, November 12th, the Town has issued 1086 parking permits.
4. The kiosks are still scheduled, as of now, to arrive in late November, early December. The parking lot in Ocean Park has been numbered and stripped, banking information has been provided for revenue collection and new signage is in the works. Indialantic has owned their kiosks now for a year. They have been very satisfied with the units and have ordered another unit for this year.
5. The FY2020 Town audit, phase 1, was completed on October 16<sup>th</sup>.
6. The Halloween parade and movie was attended by approximately 850 people. The field in Ryckman Park was marked for social distancing and the six candy tables were spread out through-out the park. All Town Hall employees, many in the PD and several fire fighters volunteered their time to work the event. All of the feedback the Town received was very positive.
7. BSE is working on the engineering of Orange Street as evidenced by the survey markings in the road.
8. The final draft of the PBA contract has not yet been ratified.
9. John Tilesio has not, as of 11/12/2020, released the Town from liability. His attorney has been corresponding with Cliff Repperger and Louis Wilson.
10. Received confirmation from the Florida Department of Revenue that the Town is in compliance with the maximum total taxes levied requirements of section 200.065(5), Florida Statutes and Truth In Millage certification of section 200.065 (1-4), (6-12), (14-15).
11. Researching whether or not the parking spaces on Ocean Avenue in front of the condos at Ocean and Pine are actually owned by the Town. So far, it appears these are Town owned spaces.



## Building Department Report

October 2020

- 50 permits issued
- Construction Value of the 50 permits totaled \$1,221,295.00
- Total Permit fees \$12,161.34
- 172 inspections completed
- 61 plans reviewed
- 1 Site Plan review for P&Z
- 4 BTR reviews
- 1 new homes

## Public Works Activities

### Overview

October 2020

We were able to completely paint the Ryckman House including the porch floor. Again our bucket truck made this job possible. With the boom the highest point on the house was reachable and painted. All of the trim around the windows and the door was repainted with high quality paint in hopes of not needing attention for some time. The old door was removed and replaced with a new one.

The swing for Ryckman Park river front arrived. It was assembled and installed in a beautiful spot overlooking the river. We actually constructed a very strong frame with very heavy chain where the swing was installed.

As soon as the swing was completed people started using it. I can see we may want to consider placing them in other locations in the park and around Town.

With new budget in place many new stop and street name signs were ordered. Installation has begun and will continue. You will notice the stop signs are larger and the street name signs are also. The larger sizes are much more user friendly plus complies with current industry standards.

We are right on course to have replaced our signs next year as was our plan.

With the upcoming kiosk parking it was necessary to re-strip and number all of the spaces in Ocean Park. Because we lacked the required proper equipment and expertise to undertake such a task we employed Burton Paving from right here in Town.

All of the parking spots along Ocean Avenue will be restriped and number soon.

We have now installed four swales along Surf Road alone. We have pending construction on two more around Town. Once completed this will take our count to 15.

Again we enjoyed a productive month and often thanked by passing residents.

## Public Works Activities

October 2020

- Ocean Park Flagpole Repaired
- Placed storage shed for PD
- Clean stormwater grates various locations
- Painted Ryckman House entire exterior and poor floor
- Trimmed landscaped area front of Post Office
- Trimmed overhanging branch Pine and Andrews
- Coordinated completion of parking space numbering Ocean Park
- Modified past thru at north side Ocean Park parking lot
- Installed new toilet in Community Center
- Installed new door on Ryckman House
- Assembled and installed swing at river in Ryckman Park – built frame
- Installed new volleyball nets at Ocean Park
- Prepared maps of bike maps on roadway for Commission
- Obtained Commission Meeting and Commission Workshop signs
- Installed new door closer for women's restroom Town Hall
- Installed swales at 308,310 and 312 Surf Rd.
- Set up for Commission Meeting
- Installed stop signs and some street name signs – ongoing
- Sodded areas in by parking area front of Community Center
- Removed No Parking sign 304 Ave. A at a residents request
- Emptied Community Center for upcoming election day
- Followed up on report of fishing net on beach
- Secured area for well installation
- Meet with resident Banyan set up installation of a swale
- Cut vitek at Ocean Park

## **Melbourne Beach Police Department Monthly Report, October 2020**

In October, we had a total of 4 traffic arrests and 10 other arrests. 15 Felony and 31 Misdemeanors range from Driving under the Influence, Drug Possession, Domestic Battery, Burglary, and Grand Theft.

House checks/residential and business checks are continued daily. The officers and I continue to be proactive as they conducted several “directed traffic enforcement details” throughout the town. Our radar trailers are also placed in various locations throughout the city to assist in deterring speeders.

The officers have been conducting high visibility traffic control regarding oversized trucks on Oak Street.

We had 3 animal complaints/calls this month consisting of;

- 1 Loose dog
- 1 Cut up shark; we assisted FWC
- 1 Obese Raccoon

One of our areas of high volume calls consists of Injured/Ill persons. These calls are unpredictable, and each of the officers is First Responder/CPR/AED certified and is first on the scene to provide medical treatment as necessary.

All reports and calls for service are checked each day by either myself or a supervisor. Depending on the type of crime we have, procedures are in place to take the appropriate action to resolve the issue.

### **Community Event**

The Halloween Costume Parade and Movie in the Park was a hit, and I want to thank our Town Manager, Public Works, MBVFD, and all staff members and police officers that assisted in its success.

On December 4th at 7:00 pm, the Police Department will be hosting Movie with a Cop in Ryckman Park. “Arthur Christmas.” Social distancing and masks are encouraged.

### **PD News**

On October 19th, during our staff meeting in the Community Center, all Officers and Administrative Assistant were awarded the Unit Citation Award (see attached).

SRO Dovale continues to meet with the Threat Assessment Team regarding pre-post-action plans on fire drills and various scenarios.

Message Board has arrived! Once all paperwork is complete, it will be placed in a prime location to display important messages that are town related.

The Melbourne Beach Police Officers and I are committed to community policing and keeping our town safe, which is our #1 priority.

Please see attachments:

- Sergeant's monthly reports
- Unit Citation Award

Stay Safe, Chief Melanie Griswold

## MELBOURNE BEACH POLICE DEPARTMENT

*Unit Citation Award*

On March 1, 2020, Governor Ron Desantis directed the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and declaring a state of emergency for the entire state of Florida on March 9, 2020. During this time as First Responders, you were faced with urging our senior citizens to stay home and take precautions to limit their risk to COVID-19, social distancing, wearing face masks, taking temperatures, and the closing of bars and beaches.

At the same time, you have also had to protect your family and yourself from this risky and contagious virus. I am proud of how you and the Melbourne Beach Police Department officers have managed to stay professional during these uncertain times.

The Unit Citation is presented to you for your outstanding performance as a team effort under uncertain conditions, including all participating staff members who, in support of Departmental operations, distinguished themselves to prompt the protection of life and property.

**MELBOURNE BEACH POLICE DEPARTMENT****Steven Kino****Detective/Sergeant****507 Ocean Ave, Melbourne Beach, FL 32951****Phone: (321) 723-4343****Fax: (321)725-3253****MEMORANDUM**

**TO: Chief Griswold**

**FROM: Sgt. Kino**

**RE: October Monthly Call Report**

**DATE: 11/01/2020**

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**10/1- AOA in the 800 block of Oak St. A small house fire inside of a residence that was extinguished prior to our arrival. MBVFD responded out to confirm it was fully out and the scene was turned over to them.**

**10/2- An overdose in the 300 block of Third Ave. There was an unresponsive male in a residence. An officer on scene conducted a sternum rub and the male sat up for a brief moment. BCFR arrived on scene and then the male became more responsive. A syringe was located inside of a pocket in the male's shorts and placed in a sharps container in the ambulance.**

**10/3- Suspicious incident in the 1700 block of Atlantic St. The r/p stated that sometime over the past two days, she believes that either her ex-boyfriend or a neighbor that she does not get along with dented the rear right fender of her vehicle and let the air out of both of the right side tires. She just wanted it documented for informational purposes.**

**10/8- Verbal domestic in the 300 block of Riverside Dr. Male and female were in a verbal argument. The female half got her car keys and left for the night.**

**10/9- Verbal domestic in the 2100 block of Oak St. A mom came to pick her kids up from the school without being on the paperwork and she and the dad started yelling at each other. Parties separated without incident.**

- 10/10- DUI arrest in the area of Orange St. and Ocean Ave. A w/m arrested and refused blood, breath, and or urine sample.
- 10/10- Verbal domestic in the 700 block of Riverside Dr. Father and daughter had a verbal argument one was intoxicated and left the residence in an Uber.
- 10/10- Traffic arrest in the 900 block of Ocean Ave. A B/F driver was issued a court date for DWLS W/KNOW.
- 10/11- A traffic stop in the 300 block of Ocean Ave. An officer on scene discovered drug paraphernalia and synthetic cannabinoids in the vehicle. Two juvenile males and one adult male arrested with multiple charges.
- 10/16- Traffic arrest in the area of Oak St. /Surf Rd. W/m was given a court date for operating an unregistered motor vehicle. He was released on scene and the vehicle was towed from the scene.
- 10/17- DUI arrest in the area of Riverside Dr. and Sunset Blvd. W/M was pulled over for a traffic violation and subsequently placed under arrest. He gave a breath sample, which confirmed he was over the legal limit.
- 10/17- Domestic Battery in the 300 block of Ocean Ave. W/F hit her husband in the face and was arrested for battery DV
- 10/18- DUI in the area of Oak St. and Ocean Ave. W/M was passed out in the car with it running. He refused SFE's and then gave a sample of his breath. Arrested and transported to the jail.
- 10/19- Traffic Crash in the area of Pine St. and Coral Ave. A driver hit a bicycle that was in the road and damaged the rear tire then left the scene. The driver of the vehicle was cited for leaving the scene and issued a court date.
- 10/26- Domestic Battery in the 700 block of Riverside Dr. A female stated that her boyfriend of a few years struck her with a closed fist. However, she did not want to pursue any charges. The report was forwarded to the SAO for them to decide to charge the boyfriend or not.
- 10/27- Domestic disturbance verbal only in the 700 block of Riverside Dr. A father and daughter were in a verbal argument. Both parties separated for the remainder of the day.
- 10/28- DUI in the 300 block of Ocean Ave. W/F was arrested and issued two additional citations as well.





**Melbourne Beach  
Vol. Fire Department**  
507 Ocean Avenue  
Melbourne Beach, FL 32951  
(321)724-1736  
[FireStation@MelbourneBeachFL.org](mailto:FireStation@MelbourneBeachFL.org)

## *FIRE DEPARTMENT MONTHLY REPORT* *October 2020*

### **Incident Response**

For the month of October 2020, the Melbourne Beach Volunteer Fire Department responded to 8 calls for service. The average number of responding volunteer personnel per paged out call for the month was 11.

Breakdown:

- 5 Fire/Rescue Calls (paged out)
- 1 EMS Assist
- 1 Public Assist
- 1 False Call

### **Department Membership**

- Certified Firefighters: 18
- Support Services Personnel: 12
- Administrative Personnel: 2
- Probationary Personnel: 3

### **Fire Department Garage Floor Update**

The Fire Department has completed its garage floor project. The new floor is a great improvement over the previous coating, both in terms of safety and appearance. We have already received multiple complements, not only from residents and visitors, but also from our own volunteers, and from other fire departments.

**COVID-19 Update**

The MBVFD continues to work closely with both the Police Department and Town Hall to ensure we are prepared to respond to the COVID-19 health crisis. This includes participation in conference calls, emails, situation reports submitted to Brevard County Emergency Management, updating policies to address response guidelines, and educating citizens and visitors. We continue to monitor the situation and update our response as needed. At this time all active MBVFD personnel continue to be healthy and are able to respond to incidents under the Department's COVID-19 response guidelines.

**Radio Replacement (Capitol Item) Update**

As part of the multi-year radio replacement project, the Fire Department received and put in service 11 new portable (handheld) radios last month. These radios are mission critical and will replace the Department's current radios which are outdated and no longer supported. Unfortunately we were notified this month that our FEMA Assistance to Firefighters grant for additional radio funding was unsuccessful. FEMA relayed that this year was very competitive and that they received over 8000 applications. Less than ¼ were awarded and unfortunately our project did not make the cut this time. We will continue to re-apply in the future and look for additional creative ways to obtain funding for this project.

**Extractor Washer & Dryer (Capitol Item) Update**

As mentioned last month, the Fire Department has partnered with 3 other local municipal fire departments to purchase an extractor style washer and rack dryer. To assist with the cost of the project, the Department submitted and was awarded a partial regional FEMA Assistance to Firefighters Grant in the amount of \$22,272. While this is not the full amount requested, it will certainly help offset the cost to the Town and to the other fire departments partnering in this project. A MOU between the municipalities is working its way down to Melbourne Beach from Satellite and is expected to be here in November. The project will start as soon as we get the MOU signed by all involved parties and FEMA sends us the grant funding.

**Notable Events**

The Department resubmitted a Fire House Subs grant for the purpose of obtaining new extrication tools.

Department volunteers supported the Town of Melbourne Beach Halloween party in Ryckman Park. The event was a big success and we were happy to be a part of the team to make it happen.

Fire Prevention Week was October 4<sup>th</sup> through the 10<sup>th</sup> this year. The MBVFD usually visits every classroom in Melbourne Beach during this time to teach our community's children about fire prevention and to show them the fire trucks and equipment.

Unfortunately we were unable to visit this year due to COVID concerns, so instead our fire prevention team made an educational video that was shown at the schools. Our agency looks forward to visiting all of the schools next year.

Chief Brown and Safety Chief Micka participated in pre-event planning meetings with Town Staff, MBPD, and Melbourne Beach Rotary Club for the upcoming Pineappleman Triathlon in December.

The Department held additional CPR renewal and certification courses this month. Every member of the Melbourne Beach Vol. Fire Department is required to maintain their current CPR certification. The Agency currently has 3 AHA certified instructors and is planning to send additional members through the instructor course sometime in 2021.

# Memo

To: Mayor, Vice Mayor and Commissioners  
From: Jennifer Kerr, Finance Manager  
Date: November 12, 2020  
Re: October 2020

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We are in the first month of our fiscal year 2021. The target expenditure rate for October is 8.3%. All departments are managing their expenditures even though several budget lines are over the targeted expenditure rate. All budget items highlighted in green are over the target rate but within the anticipated spending of that budget line. 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 10.2%. The Departmental expenditure rate breakdown is as follows:

Legislative:	13.3%
Executive:	12.3%
Finance:	13.1%
Legal:	09.3%
Comp & Plan:	00.0%
General Services:	11.4%
Law Enforcement:	08.2%
Fire:	13.3%
Code:	11.2%
Public Works:	12.9%
Parks:	00.0%
Ocean & Ryckman Parks:	03.0%

## **Discussion Items:**

All employees, except for two, have completed the mandatory annual sexual harassment awareness class.

We were awarded the remaining \$2,890 safety grant money from FMIT for the 4<sup>th</sup> quarter of 2020. This gave us a grand total of \$4,999 in safety grant money from FMIT for FY2020.

The Police Department received two Colt M4 Carbine weapons as a charitable donation with a value of \$3,800.00.