



# **TOWN OF MELBOURNE BEACH**

## **TOWN COMMISSION REGULAR MEETING**

**JANUARY 20, 2021**

**AGENDA PACKET**

**Town of Melbourne Beach**  
**REGULAR TOWN COMMISSION MEETING**  
**JANUARY 20, 2021 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 January 20, 2021 in the Community Center  
to address the items below**

**Commission Members:**

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

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

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 Hoover****2. Roll Call****3. Pledge of Allegiance and Moment of Silence****4. Presentations****5. Boards and Committees****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. Approval of Dec. 2, 2020 TCW Minutes – Town Clerk Torres
- B. Approval of Dec. 16 2020 RTCM Minutes – Town Clerk Torres

**9. Public Hearings****10. Old Business**

- A. Consideration of Executed Agreement for approval/appointment for Stewart Capps to serve as the Town's Code Enforcement Special Magistrate – Town Attorney Repperger

**11. New Business**

- A. Appoint a Voting Delegate/Director and an Alternate - to represent the Town for the 2021 Space Coast League of Cities – Town Clerk Torres
- B. Advise the Town how to proceed with handling collection of the BTR/Zoning review fee for Vacation Rental applicants – Town Clerk Torres

**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****8 - A & B**

**Section:** Consent Agenda

**Meeting Date:** January 20, 2021

**Subject:** Consideration of the Draft Minutes from: TCW: 12/02/2020 and  
RTCM: 12/16/2020

**Submitted By:** Jennifer Torres, Town Clerk

**Background Information:**

The draft minutes for the 12/02/2020 TCW and the 12/16/2020 RTCM were previously sent to the Commission & TM for review. After review, Commissioner Barton had two minor edits which were incorporated into the final draft minutes included herein, and then sent out to the Commission again. After review, no further edits were suggested.

**Recommendation:** Approve draft minutes as submitted

**Attachments:**

- Draft Minutes from the Town Commission Workshop on 12/02/2020
- Draft Minutes from Regular Town Commission Meeting on 12/16/2020

**Note:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for 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**

## **TOWN COMMISSION WORKSHOP**

**MONDAY, DECEMBER 2, 2020, 6:00 p.m.  
COMMUNITY CENTER, 509 OCEAN AVENUE**

### **DRAFT MINUTES**

**Commission Members:**

Mayor Wyatt Hoover

Vice Mayor Joyce D. Barton

Commissioner Steve Walters

Commissioner Sherrie Quarrie

Commissioner Corey Runte

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

# **1. Call to Order**

Mayor Hoover called the meeting to order at 6:05 p.m.

# **2. Roll Call**

Town Clerk Torres conducted Roll Call:

## Commissioners Present:

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

## Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres

## Commissioners Absent:

Commissioner Steve Walters

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

Led by Mayor Hoover

# **4. Public Comments**

# **5. New Business**

## **A. Discussion of Town Manager Performance Review and Suggested Actions – Mayor Hoover**

Mayor Hoover said that among the Town Manager reviews, he found some good ideas and wanted to discuss them with the Commission to help set priorities for the coming year. This is something he would like to do annually in order to look over the reviews and make some new action items.

Commissioner Quarrie asked if the Mayor was proposing having a discussion on all the items – and he clarified that he just wanted to facilitate an open conversation for anything in the reviews that anyone wanted to discuss.

For example, Mayor Hoover said he wants to work on helping businesses this year with COVID but he doesn't know exactly what they need. He suggested the Commission schedule two workshops where local businesses are invited to come and discuss how the Town can help them.

Commissioner Quarrie asked about resident input previously received on main street beautification.

The Commission discussed various ideas including outdoor seating, parking, and the effect on the Town Code of specific changes like allowing businesses

to incorporate parking spots at Ocean Park as part of their parking-related requirements.

Mayor Hoover suggested they do the necessary research and reach out to landlords and business owners, starting with the area east of the traffic light on both sides of the road north and south – and then meet again to discuss in February.

Commissioner Runte mentioned façade improvement grants.

Town Manager Mascaro said she would want to do some research in advance - and know exactly what we want - before we approach the business owners.

Mayor Hoover requested that **Ocean Avenue Beautification - focused on the businesses on Ocean Avenue** is added to the Action Item List. He also suggested they seek input from the Planning and Zoning Board.

Commissioner Quarrie said she wanted to also add another action item: **Research adding kiosk metered parking to all commercial establishments from the River to the Ocean** – because many properties are not conformant right now. Commissioner Runte queried if she meant a shared parking agreement – and she said she did.

Some conversation ensued related to signage, façade upgrades and achieving unity with roadside signs.

Town Manager Mascaro reminded the Commission to keep in mind that many of the items they discussed would require Ordinance changes (changes to the Town Code.)

Mayor Hoover said they will get more specific details from Town Planner Corey O’Gorman and the Town Attorney. He asked the Town Manager to speak with local business owners for their input. Then, he said, the Commission can meet again in the near future to discuss the issues further.

Mayor Hoover said the next item he wanted to discuss is documenting processes. His concern is that while the Town has core pieces in place, if somebody is sick or moves or leaves, then there is a learning gap for whoever is new. He suggested the Town work on beginning to create documents of processes and calendars for how things are done and when things are done – including timelines for weekly and monthly duties - so when we face changes in staff - we can move through them with minimal adversity.

Town Manager Mascaro explained that this was already a process in place and offered to send Mayor Hoover the documentation.



B. Discussion of Town resident communications – Mayor Hoover

There was brief discussion of the Town website. Mayor Hoover suggested the use of banners and an email list to share Town news including upcoming meetings and that meetings should have a more visible (robust) presence on the website.

He suggested creating Facebook events for upcoming meetings and events and including all Town events on the Town calendar. He also suggested that we ask the Police and Fire Departments to share links to the Town website on their page.

Mayor Hoover asked that the Town keep the Commission updated on their communication efforts.

C. Discussion of Robert's Rules of Order – Mayor Hoover

Mayor Hoover discussed some of the main points of importance documented in Roberts Rules as they relate to Commission meetings – including the fact that members have to make sure everyone has an opportunity to speak before a motion is made.

Mayor Hoover requested that Town Hall purchase a second clock timer for the meetings so that people making public comment can view the time count down as well.

**6. Adjournment**

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

Meeting adjourned at 8:07 p.m.

**ATTEST:**

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**Wyatt Hoover, Mayor**

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**Jennifer Torres, Town Clerk**

**Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING**

**MONDAY, DECEMBER 16, 2020, 6:30 p.m.**  
**COMMUNITY CENTER, 509 OCEAN AVENUE**

**DRAFT MINUTES**

**Commission Members:**

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

**Staff Members:**

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

**1. Call to Order**

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

**2. Roll Call**

Commissioners Present:

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Attorney Cliff Repperger  
Town Clerk Jennifer Torres  
Public Works Director Tom Davis  
Fire Chief Gavin Brown

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

Led by Mayor Hoover

**1. Presentations**

**2. Boards and Committees**

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

**Commissioner Quarrie moved to approve the Board Application of James D. Simmons as submitted and appoint him as a member of the Board of Adjustment; Commissioner Runte seconded; Motion carried 5-0.**

**3. Public Comments**

*Bruce Morgan  
501 Sunset Blvd.*

Mr. Morgan shared information about the upcoming New Year's Day History Walk.

**4. Approval of the Agenda**

**Commissioner Quarrie moved to approve the Agenda; Commissioner Runte seconded; Motion carried 5-0.**

**5. Consent Agenda**

- A. Approval of Sept. 16, 2020 RTCM Minutes – Town Clerk Torres
- B. Approval of Oct. 7 2020 TCW Minutes – Town Clerk Torres
- C. Approval of Oct. 21, 2020 RTCM Minutes – Town Clerk Torres
- D. Approval of Nov. 18, 2020 RTCM Minutes – Town Clerk Torres

Commissioner Walters referred to the November 18, 2020 draft minutes related to a walk-on item brought forward by Public Works Director Tom Davis who presented a request to have electrical power in Ryckman Park.

Commissioner Walters addressed the motion - which he said needed to be reworded to reflect the fact that the bids the Town receives must come before the Commission for a vote before final approval is granted.

The Town Clerk agreed to make the change.

**Commissioner Runte moved to approve the items in the Consent Agenda as amended by Commissioner Walters; Commissioner Quarrie seconded; Motion carried 5-0.**

## **6. Public Hearings**

## **7. Old Business**

### **A. Consideration of modifying the requirements for utility sheds on corner lots— Town Manager Mascaro**

Town Manager Mascaro said a resident requested the Commission consider modifying the requirements for sheds on corner lots to allow sheds on the side building line abutting the street as long as the shed meets all other requirements including screening.

The Commission referred the matter to Planning and Zoning for review and recommendations. During the November 10, 2020 PNZ Meeting, the Board unanimously agreed to recommend no change in the requirements for sheds on corner lots.

Mayor Hoover said he was not in favor of changing the LDC for one individual, however he was open to allowing a type of shielding/screening. Town Attorney Repperger said the code already covers shielding/screening.

No further action taken.

### **B. Consideration of upgrade to Exterior FPL Lighting - Parks & Ocean Ave— Town Manager Mascaro**

Public Works Director Davis and Town Manager Mascaro previously discussed conducting an assessment of the lights in Ryckman Park for beautification purposes. But recent incidents - one involving a light that fell in the tennis area - and another involving a youth who was able to knock down a light pole in Ryckman Park because it was so corroded – have shown the immediate and urgent need for replacement of the 13 light poles in Ryckman Park and the Tennis Court area due to safety concerns.

Town Manager Mascaro said she would prefer not to call an emergency meeting to get approval of the cost for the lights but she currently has no idea how much this replacement will cost. Further discussion ensued about costs, design, and options – such as renting the poles from FPL – or purchasing them outright. All downed poles have been removed.

Mayor Hoover asked the Town Manager to bring back per-pole price quotes for Ryckman Park and the Tennis Courts – and to also include pricing for solar options.

### **What about their choice of light fixtures?**

## **8. New Business**

- A. Review and consideration of Resolution 2020-15 - related to an updated local mitigation strategy for FEMA – Town Manager Mascaro

Town Manager Mascaro explained that every few years, the Local Mitigation Strategy must be updated and submitted to the Federal Emergency Management Agency for review and approval. In this cycle, that review and approval process was delegated from FEMA to the Florida Division of Emergency Management (FDEM). FDEM has determined that Brevard County has developed and submitted all the necessary plan revisions, is compliant with federal standards, and is ready for formal community adoption. In addition to the County, each participating jurisdiction must pass a resolution and the LMS.

An approved and adopted LMS is a requirement for state and local governments, in order to receive Hazard Mitigation Grant Program funding following a Presidential Disaster Declaration, per the Robert T. Stafford Disaster Relief Act and the Code of Federal Regulations.

### **Commissioner Quarrie moved to approve Resolution 2020-15 as presented; Commissioner Runte seconded; Motion carried 5-0.**

- B. Consideration of mural/artwork for the Ocean Avenue bathrooms and display board on the Pier– Town Manager Mascaro

Town Manager Mascaro explained that Leslie Maloney from the EAB contacted The Odyssey Charter School's Art Department, to see if they would be interested in painting our bathrooms in Ocean Park and the display board on the pier. The students submitted an example of the mural they would like to paint. The students also submitted a copy of what they would like to paint on the front of the display board.

Some discussion took place among the Commission about various options related to artwork and it was decided they will not go forward with the submitted artwork – but will continue to explore options.

## **Public Comment**

*Frank Thomas*

Mr. Thomas wanted to clarify what building was being considered for artwork. Vice Mayor Barton confirmed it was the restroom area. He went on to say he is happy the present Commission is focusing on the beautification of the Town. He also shared his concerns about vandalism at the Pier.

Mayor Hoover suggested the Town add a section to the Town website that informs people how they can report security issues, who to contact, etc.

### **C. Consideration of temporary increase to Community Center Rental Fees – Town Manager Mascaro**

Town Manager Mascaro said the Town has received phone calls from people asking to rent the Community Center. Staff has discussed reducing the number of occupants to 50 people, charging a \$100 COVID cleaning fee, and increasing the hourly rate for non-residents to \$65 per hour. The Volunteer Fire Department can have volunteers clean the Center between events. She further explained that the COVID fee is not meant to be a money maker for the Town, instead she would like to pass the (COVID) cleaning fee to the individual(s) who actually clean the room - less the cost of supplies. She added that the COVID fee can be discontinued when the Pandemic ends.

Some members of the Commission suggested having people sign an updated waiver and adding additional signage.

Commissioner Runte said \$65 was a very low price and he suggested keeping the \$100 cleaning fee in place permanently for both residents and non-residents. He suggested charging \$65 for residents and \$100 for non-residents, plus the cleaning fee.

Commissioner Quarrie said she is not in favor of renting the Community Center during the height of the Pandemic. She favors renting the outdoor areas like the Pavilion.

Commissioner Runte said the cleaning fee should not be named after COVID – and instead simply referred to as a cleaning fee.

Further discussion ensued.

Commissioner Walters suggested we should change the rate now and suspend rentals until the Pandemic is better under control.

Commissioner Runte said the Town Manager should look at the whole rate schedule related to facilities and special events and they can revisit the issue at the January RTCM meeting.

**Commissioner Runte moved to approve suspending any future new rentals of any indoor spaces in the Town and to direct the Town Manager to revisit the fee schedule related to rental of Town facilities and special events; Commissioner Quarrie seconded; Motion carried 5-0.**

- D. Consideration of a paid subscription to enhance the quality of the Town Newsletter and improve resident access – Town Clerk Torres

Town Clerk Torres reviewed the Town's subscription options for a newsletter update.

**Commissioner Quarrie moved to approve the annual Platinum Membership for the Beachcomber in order to update the newsletter platform; Commissioner Runte seconded; Motion carried 5-0.**

## **12. Staff Reports**

### **A. Town Attorney Report**

The Town Attorney gave the Commission an update on the Code Enforcement Magistrate agreement which will be brought before the Commission in January 2021.

### **B. Town Manager Report**

The Town Manager shared some thoughts about signage for the kiosk/parking and said if any member of the Commission has suggestions for a character etc. for the signs, to please share them. The Commission felt that instead of characters, the sign should be kept clean and classic using the town logo and consistent, uniform colors. Commissioner Walters asked if people coming to Town Hall on business have to pay a parking fee – and the Town Manager said they do not. The Town Manager stated employees will begin to park in the back of the public works building, leaving the front of Town Hall available for people doing business with Town Hall. Commissioner Walters wanted to know if signs would be put up stating Town Business Only. The Town Manager agreed to have the signs installed.

Vice Mayor Barton asked if the sign by the gas station could be repainted in a more consistent color. Public Works Director Davis said he could repaint it.

Mayor Hoover shared that he has decided to participate in the Health First Mayor's Fitness Challenge with Town Clerk Torres as the Team Captain.

Commissioner Walters asked if the Town Manager could purchase new microphones for the Commission meetings. He suggested wireless microphones. Town Manager Mascaro said she would research costs/types.

Add this as an action item.

C. **Town Clerk Report** - No report

D. Departmental Reports

1. **Building Department:** Commissioner Runte asked about a dollar amount on a chart that appeared to be missing.
2. **Public Works Department:** Public Work Director Davis shared the fact that after his team was quarantined for COVID testing – Town Manager Mascaro went above and beyond to take on decorating Ryckman Park on her own. He also acknowledged how proud he is of his own team for all their hard work and all the compliments they receive from the residents. Commissioner Quarrie also mentioned that Town Manager Mascaro drove the Christmas parade float.
3. **Code Enforcement:** None
4. **Police Department:** None
5. **Fire Department:** None
6. **Finance Department**

**Commissioner Quarrie moved to approve the November Finance Report; Commissioner Runte seconded; Motion carried 5-0.**

**13. Town Commission Comments**

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

Added items

- **New microphones** for Commission meetings possibly wireless (along with dual timers)

Closed Items

- **Sheds on Corner Lots**

Updates

- **Crossover assessment:** Town Manager Mascaro said she will be sending a drawing to DEP and reminded the Commission that no work can occur during turtle season. Update at January 2021 RTCM. The Commission confirmed that the crossovers B and 6<sup>th</sup> would be the first to be updated.
- **Create Contract between Town and Avenue MB HOA:** Town Attorney Repperger said he will bring the draft contract to the January 2021 RTCM meeting.
- **Charging Stations:** Town Manager Mascaro said there is a lot to understand about these charging stations that effect cost and what's included. She needs more time to assess the options and to conduct further research before making a final recommendation to the Commission. Update again at January 2021 RTCM.  
**Bike Trail Options:** Public Works Director Davis said there may have been miscommunication because he thought this item had a hold put on it. Commissioner Quarrie suggested they review the minutes to clarify. Some discussion ensued Mayor Hoover asked PWD Davis to test it out on Orange first



and then come back to the Commission with results. Town Manager Mascaro thought there may be some grant money available. PWD will report back at Feb 2021 TCW.

Town Manager Mascaro handed out a copy of a 2007 Town of Melbourne Beach Vision Plan at the start of the meeting. Commissioner Quarrie asked her if she wanted to discuss it now.

The Town Manager explained that the plan contained a lot of similar ideas as were brought up by the Commission at the last Workshop. She went on to say the Town received a lot of calls inquiring about purchasing 309 Ocean.

Town Attorney Repperger said he received inquiries as well – but they were only interested in mixed-use zoning. TA Repperger went on to explain a bit about zoning, changing classification, etc.

Town Manager Mascaro said the Commission members can send her questions for the Town Planner and she will get answers for them.

The Commission agreed not to hold a January 2021 Workshop.

#### **14. Adjournment**

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

Meeting adjourned at 8:31 p.m.

**ATTEST:**

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**Wyatt Hoover, Mayor**

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**Jennifer Torres, Town Clerk**

**Town Commission Agenda Item****10-A****Section:** Old Business**Meeting Date:** January 20, 2021**Subject:** Approve/Appoint Code Enforcement Magistrate, Stewart Capps P.A.**Submitted By:** Town Attorney Repperger**Background Information:**

The Town Attorney is presenting an executed agreement for Stewart Capps P.A. to serve as the Town's Code Enforcement Special Magistrate for formal approval/appointment by the Commission.

**Recommendation:**

Approve formal appointment of Stewart Capps to serve as the Town's Code Enforcement Special Magistrate.

**Attachments:**

- Executed Independent Contractor Agreement for Stewart Capps P.A to serve as the Town's Code Enforcement Special Magistrate.

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## INDEPENDENT CONTRACTOR AGREEMENT CODE ENFORCEMENT SPECIAL MAGISTRATE

**THIS INDEPENDENT CONTRACTOR AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, by and between TOWN OF MELBOURNE BEACH, (hereafter referred to as "TOWN"), whose address is: 507 Ocean Ave., Melbourne Beach 32951 and STEWART B. CAPPS, P.A. (hereafter referred to as "Contractor") whose address is 325 5<sup>th</sup> Ave., Suite 208, Indialantic, FL 32903-4270.

### RECITALS

**WHEREAS**, TOWN is a municipal corporation organized under the laws of Florida; and

**WHEREAS**, Contractor is a licensed attorney providing legal services in the State of Florida; and

**WHEREAS**, Section 11-17(b), Code of Melbourne Beach provides that the Town Commission shall appoint a Code Enforcement Special Magistrate; and

**WHEREAS**, TOWN is desirous of engaging Contractor to serve as the TOWN's Code Enforcement Special Magistrate; and

**WHEREAS**, it is determined to be in the mutual advantage of TOWN and Contractor to enter into this Agreement set forth herein.

**NOW, THEREFORE**, in consideration of the covenants and agreements herein contained, Contractor's specific agreement to the terms hereof, and the monies to be paid hereunder, TOWN agrees to hire Contractor and Contractor agrees to perform the Scope of Services for TOWN upon the following terms and conditions:

### AGREEMENT

1. **Recitals.** The above recitals are true and correct, form a material part of, and are incorporated into this Agreement.
2. **Scope of Services.** Contractor hereby agrees to serve as the TOWN's Code Enforcement Special Magistrate pursuant to Section 11-17, Code of Melbourne Beach.
3. **Compensation.** TOWN will pay Contractor the sum of **\$125.00** per hour for services rendered to the TOWN the TOWN's Code Enforcement Special Magistrate. Compensation shall be paid for all pre and post Code Enforcement hearing preparation and proceedings, attendance at Code Enforcement hearings, and consultation with TOWN Staff or the TOWN Attorney regarding TOWN Code Enforcement hearing matters. Compensation shall not be paid for travel time. Contractor shall be entitled to bill a minimum of 1 hour of time for any Code Enforcement hearing attended regardless of hearing duration.

4. **Term.** The initial term of this Agreement shall be for three (3) years from the date of the last execution of a party below unless terminated by either party for any reason upon thirty (30) days' notice to the other party. The initial term of this Agreement may be renewed by mutual agreement of the parties for unlimited successive three (3) year periods.
5. **Relationship of Parties/Insurance.** The parties hereby agree and intend that the relationship of Contractor to TOWN is that of an independent contractor.
6. **Permits, Approvals, and Licenses.** Contractor agrees to maintain a valid Florida Bar License in Good Standing during the term of this Agreement.
7. **Waiver.** No waiver is enforceable unless in writing and signed by such waiving party, and any waiver shall not be construed as a waiver by any other party or as a waiver of any other or subsequent breach.
8. **Amendments.** This Agreement may not be amended or modified unless by the mutual consent of all of the parties hereto in writing. All amendments or modifications shall be attached to this Agreement and made a part thereof.
9. **Governing Law, Venue, and Attorney's Fees.** This Agreement shall be governed by the laws of the State of Florida. Any action or legal proceedings to enforce this Agreement or any of its terms, or for indemnification, shall be exclusively brought and prosecuted in an appropriate court of jurisdiction in and for Brevard County, Florida, and the parties to this Agreement consent to the personal jurisdiction and venue of such courts and to the service of process by any manner provided by Florida law. In the event that any legal or equitable action is brought by either party to enforce the terms of this Agreement and/or regarding any work performed pursuant to the Scope of Services provided in Paragraph 2 of this Agreement, the prevailing party shall be entitled to recover all attorney's fees and costs associated with the bringing such action.
10. **Assignment and Binding Effect.** The rights and obligations of the Contractor under this Agreement are personal. This Agreement may not be assigned or transferred in whole, or in part, by either party without the prior written consent of the other party. This Agreement shall be binding upon and inure for the benefit of the parties hereto and their respective heirs and permitted successors and/or assigns.
11. **Severability.** This Agreement shall be construed to be valid and enforceable to the fullest extent allowed by applicable law. The invalidity or unenforceability of any term, sentence, or provision of this Agreement shall not affect the validity or enforceability of any other term, sentence or provision of this Agreement, which shall remain in full force and effect.
12. **Notices.** All notices, requests, demands or other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given when delivered by hand or mailed registered or certified mail, return receipt requested, and postage prepaid:



If to TOWN: TOWN OF MELBOURNE BEACH  
C/O Elizabeth Mascaro, Town Manager  
507 Ocean Ave.  
Melbourne Beach, FL 32951

If to Contractor: STEWART B. CAPPS, P.A.  
PO Box 34021  
Indialantic, FL 32903-0921  
United States

or to such other addresses as either party may have furnished to the other in writing in accordance herewith, except that notices of change of address shall only be effective on receipt.

13. **Consents and Authorizations.** By the execution of this Agreement, each party acknowledges and agrees that each such party has the full right, power, legal capacity and authority to enter into this Agreement, has had the opportunity to consult with legal counsel in advance of executing the same. The parties expressly agree that this Agreement constitutes a valid and legally binding agreement of each such party in accordance with the terms, conditions, and other provisions contained herein.
14. **Entire Agreement.** This Agreement contains the entire agreement between the parties. This Agreement replaces any and all prior or other agreements or understandings, oral or written, between the parties hereto with respect to the subject matter hereof. The captions are for convenience of reference only and shall not control the interpretation of this Agreement. Contractor agrees that no other promises or inducements have been made to him unless contained in writing, attached hereto or incorporated herein by reference.
15. **Cooperation.** The parties agree to execute such reasonable necessary documents upon advice of legal counsel in order to carry out the intent and purpose of this Agreement as set forth herein.
16. **Gender and Number.** Unless the context otherwise requires, references in this Agreement to any gender shall be construed to include all other genders, references in the singular shall be construed to include the plural, and references in the plural shall be construed to include the singular.
17. **Public Records.** All documents, maps, drawings, data and worksheets prepared by Contractor for TOWN under this Agreement shall be deemed public records pursuant to Chapter 119, Florida Statutes and shall be maintained as public records by Contractor. Contractor agrees to provide access to such public records on the same terms and conditions that TOWN provides such public records and at a cost that does not exceed that provided for pursuant to Chapter 119, Florida Statutes or otherwise provided by law. Contractor agrees to ensure that public records that are confidential and exempt from disclosure are not disclosed except as authorized by law. Contractor

agrees that upon termination of this Agreement, all proprietary interest of TOWN in its business assets, tangible or intangible, including records, files, lists and information which Contractor deals with or develops during the course of this Agreement shall remain the sole and exclusive property of TOWN, and in no event shall Contractor acquire any interest therein. TOWN agrees that in the event of termination of this Agreement, Contractor shall promptly return at no cost to TOWN all public records documents in Contractor's possession at the time of termination. Duplicate public records that are exempt or confidential shall be destroyed by Contractor at the time of termination. Public records maintained by Contractor in an electronic format, shall be provided to TOWN in a format that is compatible with the information technology systems of TOWN at the time of termination.

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT NANCY WILSON, THE CUSTODIAN OF PUBLIC RECORDS AT:**

**JENNIFER TORRES  
TOWN CLERK  
507 OCEAN AVE.  
MELBOURNE BEACH, FL 32951  
(321)724-5860  
TOWNCLERK@MELBOURNEBEACHFL.ORG**

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF MELBOURNE BEACH

By: \_\_\_\_\_  
Printed Name: WYATT HOOVER  
As its: MAYOR

Date: \_\_\_\_\_

STEWART B. CAPPS, P.A.

By:  \_\_\_\_\_  
Printed Name: STEWART B. CAPPS, ESQ.  
As its: OWNER/MANAGER

Date: December 14, 2020

## Town Commission Agenda Item

**11-A**

**Section:** New Business

**Meeting Date:** January 20, 2021

**Subject:** Space Coast League of Cities (SCLOC) 2021 Appointment of League Voting Delegate/Director and Alternate for the Town of Melbourne Beach

**Submitted By:** Town Clerk Torres

**Background Information:**

The governing body of each member municipality must appoint a Voting Delegate/Director and Alternate to the League. Only the member municipality's elected officials, manager, attorney, clerk, and department heads are eligible to be a Voting Delegate/Director and Alternate.

The person appointed as Voting Delegate serves as both the member municipality's Voting Delegate at membership meetings and its representative to the Board of Directors. The Voting Delegate and the Director is the same person.

The sole function of the Alternate for the Voting Delegate/Director is to vote in the absence of the Voting Delegate/Director.

**Recommendation:**

Appoint a Voting Delegate/Director and an Alternate to represent the Town of Melbourne Beach for the SCLOC

**Attachments:**

- SCLOC Information Sheet

**Note:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for 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).

## 2021 Appointment of League Voting Delegate/Director

The Bylaws of the Space Coast League of Cities require the following:

- Every December, the governing body of each member municipality must appoint a Voting Delegate/Director and Alternate to the League.

**Eligibility:** Only the member municipality's elected officials, manager, attorney, clerk, and department heads are eligible to be a Voting Delegate/Director and Alternate. Any Voting Delegate/Director or Alternate who ceases to hold such a position ceases at the same time to be a Voting Delegate/Director or Alternate.

**Functions:** The person appointed as Voting Delegate serves as both the member municipality's Voting Delegate at membership meetings and its representative to the Board of Directors. The Voting Delegate and the Director is the same person. The sole function of the Alternate for the Voting Delegate/Director is to vote in the absence of the Voting Delegate/Director.

- Following the appointment, the names of the Voting Delegate/Director and the Alternate must be promptly certified in writing to the League Secretary.
- Because the number of votes allocated to member municipalities for membership meetings is based upon population, each member municipality must also certify its current population figures when it certifies its Voting Delegation/Director and Alternate.

Accordingly, please provide and certify the information requested below and return this form promptly to the League Executive Secretary at the email address: [execsec@scloc.org](mailto:execsec@scloc.org).



**Town Commission Agenda Item****11-B****Section:** New Business**Meeting Date:** January 20, 2021**Subject:** Vacation Rental Fees/BTR Fees**Submitted By:** Town Clerk Torres**Background Information:**

Currently we charge a \$500 Vacation Rental application and registration fee.

According to Ordinance 2020-02 the Vacation Rental application shall include:

***Business Tax Receipt from the Town of Melbourne Beach, if applicable, in accordance with Chapter 65, Town of Melbourne Beach Code of Ordinances.***

Chapter 65 indicates the Business Tax Receipt (BTR) fee for Apartment and Rental Units with a minimum of three rooms is \$20.00 and each additional room is an additional \$10.00. There is also a fee for the BTR Zoning review (\$100.00 per hour with a \$25 minimum).

The Town needs clarification as to whether the \$500 Vacation Rental application and registration fee includes the BTR/Zoning Review fees – or if these are collected as separate, additional fees.

**Recommendation:**

Advise the Town how to proceed with handling collection of the BTR/Zoning review fee for Vacation Rental applicants.

**Attachments:**

- Ordinance 2020-02
- Resolution 2020-06

**Note:** The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for 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 Manager Report for November 2020

1. P&Z will be reviewing the Parts 1 and 2 of the Comprehensive Plan in meeting beginning with the February 2020 meeting. Corey O’Gorman and Cliff Repperger will be in attendance due to a request for a Comp Plan and Zoning change for the property located at 1<sup>st</sup> and Pine Sts. P&Z has requested that pool setbacks be brought before them for discussed for possible adjustment.
2. As of Wednesday, January 12th, the Town has issued 1194 parking permits. The Town has received an increase in inquiries from out of Town visitors requesting the ability to buy permits. Indialantic’s permits are currently at \$45 per permit.
3. Waiting for the instructional signs for crossovers, numbered permit required overlays and kiosk directional signs.
4. The PBA has requested a meeting with me and the Louis Wilson to discuss the 2021 salary request for the officers. A final meeting date has not yet been set as the PBA Rep has Covid-19.
5. The Town has been informed of a contract on the property at 309 Ocean.
6. The Health First Mayor’s Fitness Challenge has at last count 50 participants. Town Clerk, Jennifer Torres has been encouraging participation via social media and our new message board.
7. Received plans from BSE for bid package. Will review with Public Works Director, Davis. Looking to file the RFP in the beginning of February for a March 1<sup>st</sup> start date.
8. Town Hall has increased its COVID protocols due to the spike in cases and the new, more virulent strains circulating. Town Hall would like to close at 4:00pm daily to sanitize the departments.
9. Vacation Rentals-reviewing websites, maps etc... for rental units in town limits that are not registered through the Town’s new Vacation Rental process including safety inspections (fire & bldg.) and issuing a BTR.
10. Meeting with Bob Martin to discuss fund raising and possible “Blue Ribbon Panel” for Ocean Ave urban renewal.
11. Founder’s Day or Q1 or Q2 fundraising event by MBVFD, thoughts? We have received some calls about Founder’s Day. I am requesting the MBVFD work the beer tent instead of Rotary, as Rotary appears to be struggling right now with their leadership and membership.

## Daily COVID-19 Cleaning

Every employee is responsible for their own workspace/office. (Computers, phones, drawers, pens, mouse, keyboard...etc.

Please take all residents, salespeople etc. with whom you are meeting, into the Masney Room. The conference room is strictly for internal meetings only.

Public Works and the Fire Department have the cleaning spray we will use. Make only a small amount as its shelf life is limited (2-3 days) once mixed. Spray the mixture on and let dry, do not wipe off.

Everyone will be assigned an area in addition to their own workspace.

### **LOBBY**

Front door handle/push bar

Table

Chairs

Front Desk Service Area

Masny Room Entrance Door Handle

Town Hall Office Entrance Door Handle

Exit Door Push Bar

Writing Utensils

Blinds Rod

### **TOWN HALL OFFICES COMMON AREA**

Light Switches

Water Cooler

Brother P-Touch

Hole Punch

The Safe Handles

Copier

Refrigerator Handles

Back Door Handles

Kitchen Counter Top

Kitchen Drawer Handles

Kitchen Phone

Sink Handles

Keurig Coffee Maker

Microwave, In and out

Miscellaneous Counter top

Paper Cutting Board

**TOWN HALL, HALLWAY**

All Door Handles, In and Out

Elevator Buttons, In and Out

Ice Machine, Out

Ice Machine Scoop Handle

Ice Machine Sink Handles

**MASNY ROOM**

All Desks

All Chairs

Light Switches

Kitchen Area (all appliances, sink, sink handles, dishwasher, etc.)

**CONFERENCE ROOM**

Desk

Chairs

Door Handles

Phone

Light Switches

**BATHROOMS**

All Door Handles

Sink Handles

Light Switch

Counter Tops

All Toilet Handles

Paper Towel Dispenser

Soap Dispenser

## Building Department Report

### December 2020

- 64 permits issued
- Construction Value of the 64 permits totaled \$709,174.00
- Total Permit fees \$10,604.60
- 143 inspections completed
- 59 plans reviewed
- 1 Site Plan review for P&Z
- 2 BTR reviews
- 0 new homes

## Public Activities Overview

December 2020

This was a very busy month. Not only did we have to deal with the increased activities that accompany the Holiday season we dealt with a COVID quarantine when one of our crew tested positive and was out for several days. Needless to say the timing was bad but thank goodness the Town Manager literally completed installation of the Christmas decorations for the walk through event.

We continued to maintain the lights in the trees. This is a learning experience. Not only must we keep an eye toward making sure they are working we must police the squirrels. They seem to enjoy chewing on the wiring. It has been learned that leaving the lights on seems to deter them from this pastime. Our use of friendly squirrel spray does not seem to be effective.

As if we needed it a little excitement was introduced into our schedule in the form of failing tennis court and park lights. The first event involved one of the tennis court poles failing which left a light head dangling. This required that the tennis courts be secured. The light poles were removed.

The next occurrence took place two days later when some teenagers pushed on one of the light poles in Ryckman Park and it fell over. After some inspection of the other light poles it was determined to limit our liability and possible injury to people the poles should be taken down.

Gathering data and proposals began this month.

The new painting provided by one of our local artist was mounted on the kiosk at the pier. This added some color and character to that area.

Because we did not want to end the year with boredom we began to remove huge amounts of invasive plants at the 6<sup>th</sup> Avenue crossover. We planted all native dune plants in the area and installed a new fence railing. The area has been groomed and looks great. We have received many positive comments about being able to actually see the ocean again.

We proceed into 2021 with many visions of continuing to serve our Town with positive progress and pride in what is accomplished.

Thank you for your continued support.

Public Works Activities  
December 2020

- Christmas Decorations and tree lights
- Cleaned stormwater inlets
- Maintenance of tree lights – spray for rodents eating light wires
- Pot hole repair Riverside and S. Palm
- Repaired loose railing History Center
- Met with another contractor ref. charging station install
- Coordinated annual water inlet test/completed
- Ordered and had delivered pallet of bark for river edge plants
- Installed painting at pier kiosk
- Moved 2 speed trailers for PD
- Installed new school zone signs
- Repaired broken irrigation pipe on Ocean ave.
- Moved information sign and speed trl. for PD
- Provided and placed traffic cones and barricades for event
- Placed solar experimental power unit to light 3 trees by bocci ball courts
- Secured tennis courts – one light rusted and broke
- Move info sign for PD
- Placed plant name signs at Loggerhead Park
- Removed all lights and poles on tennis courts
- Removed all lights and poles in Ryckman Park – one had fallen over
- Took old light bulbs from tennis court to proper disposal – mercury
- Repaired pot hole Cherry St.
- Bike symbols on Orange
- Installed more of new signs
- Street swipe Pine
- Cleaned and organized PW shop area
- Removed invasive plants at 6<sup>th</sup> ave. crossover
- New fence at 6<sup>th</sup> ave. crossover
- Ordered new coverings for various signs – employee parking, town business only

| CODE ENFORCEMENT MONTHLY REPORT: Month of December |            |                    |                                     |             |        |   |  |  |  |
|--|------------|--------------------|-------------------------------------|-------------|--------|---|--|--|--|
| NEW CASES FOR THE                                  |            | MONTH OF DECEMBER  |                                     |             |        |   |  |  |  |
| CASE NUMBER  | DATE       | ADDRESS            | CODE VIOLATION                      | DATE CLOSED | STATUS |   |  |  |  |
| 2020-CE-2003                                       | 12/1/2020  | 1901 Neptune Dr.   | Trailer in driveway                 | 12/2/2020   |        | Trailer moved case closed   |  |  |  |
| 2020-CE-2004                                       | 12/7/2020  | 903 Pine Street    | Motor Home In Drive                 | 12/13/2020  |        | Moto Home Moved Case closed   |  |  |  |
| 2020-CE-2005                                       | 12/7/2020  | 407 Anchor Key     | Tree Trimmings in st.               | 12/9/2020   |        | Cuttings moved/closed   |  |  |  |
| 2020-CE-2006                                       | 12/6/2020  | 307 Third avenue   | Pool not maintained                 |             | X      | House closed due to fire Pool needed clor NOV issued                            |  |  |  |
| 2020-CE-2007                                       | 12/9/2020  | 1003 River Road    | political Sign still up             |             |        | Left door tag and Co Signs removed Case closed                                  |  |  |  |
| 2020-CE-2008                                       | 12/12/2020 | 1350 Atlantic St.  | Dumpster complaint                  |             |        | 12/14/2020  |  |  |  |
| 2020-CE-2009                                       | 12/14/2020 | 319 Hibiscus trl.  | Landscape Violation                 |             | X      | Street needs to be cleaned when complete  |  |  |  |
| 2020-CE-2010                                       | 12/16/2020 | 323 Avenue A       | Refrigerater in Drive Doors ON      |             |        | 12/19/2020  |  |  |  |
| 2020-CE-2011                                       | 12/19/2020 | 417 Secound Ave    | Abandon veh.boat needs to move back |             |        | 12/23/2020  |  |  |  |
| 2020-CE-2012                                       | 12/19/2020 | 203 Sixth Ave      | Tree Cuttings on vac. Lot           | 12/21/2020  |        | Talked to Hunter Land. He did not due it No trees observed being trimmed Closed |  |  |  |
| 2020-CE-2013                                       | 12/27/2020 | 1407 Atlantic St.  | Dune cros over no permit            |             |        | 12/28/2020  |  |  |  |
| 2020-CE-2014                                       | 12/27/2020 | 416 Fifth Ave      | Building without permit             |             |        | 12/28/2020  |  |  |  |
| 2020-CE-2015                                       | 12/29/2020 | 444 Sandy Key      | Boat in Driveway                    |             | X      | Owner will Move this afternoon  |  |  |  |
| 2020-CE-2016                                       | 12/29/2020 | 401 Avenue B       | Boat in Driveway                    |             | X      | Left door tag and Copy of code  |  |  |  |
| OPEN/ACTIVE CASES FROM PRIOR MONTHS                |            |                    |                                     |             |        |   |  |  |  |
| CASE NUMBER  | DATE       | ADDRESS            | VIOLATION                           | ACTION      |        |   |  |  |  |
| 2020-CE-037  | 3/14/2020  | 1502 Orange Street | Dumpster. trash                     |             | X      | Monitor for Constr.   |  |  |  |
| 2020-CE-043  | 3/25/2020  | 415 Sixth Ave      | Pool not maintained                 |             | X      | House in forclosure   |  |  |  |
| 2020-CE-191  | 11/13/2020 | 210 First Ave      | Living in Garage                    |             | X      | Left door tag and Co NOV issued   |  |  |  |
| 2020-CE-198  | 11/20/2020 | 303 Beau Jean      | shed without permit                 |             | X      | Shed installed without a permit sent to building Dep NOV issued                 |  |  |  |
| 2020-CE-2002                                       | 11/23/2020 | 1803 Orange St.    | political Sign still up             |             | X      | Waiting on owner to NOV issued  |  |  |  |
| 2020-CE-149  | 9/2/2020   | 802 Pine St.       | Planting palms inROW                |             | X      | 09/07/2020 All but one removed  |  |  |  |
| 2020-CE-122  | 8/5/2020   | 404 Ocean Avenue   | Coc. Palm plant.inROW               |             | X      | Told to Re sent NOV   |  |  |  |
| 2020-CE-123  | 8/5/2020   | 406 Ocean Avenue   | Coc. Palm plant.inROW               |             | X      | Told to Re sent NOV   |  |  |  |
| 2020-CE-124  | 8/5/2020   | 408 Ocean avenue   | Coc. Palm plant.inROW               |             | X      | Told to Re sent NOV   |  |  |  |
| 2020-CE-125  | 8/5/2020   | 410 Ocean Avenue   | Coc. Palm plant.inROW               |             | X      | Told to Re sent NOV   |  |  |  |



| PRIOR CASES CLOSED                                     | I          | N December   |
|--|------------|--|
| 2020-CE-192  | 11/14/2020 | 514 Pointsettia Old Fencing on Frnt lawn<br>-              |
| 2020-CE-194  | 11/18/2020 | 323 Avenue B Grass needs cutting<br>12/12/2020             |
| 2020-CE-2003   | 12/1/2020  | 1901 Neptune Dr. trailer in driveway<br>12/2/2020          |
| 2020-CE-2004   | 12/7/2020  | 903 Pine Street Motor Home In Drive<br>12/13/2020          |
| 2020-CE-2005   | 12/7/2020  | 407 Anchor Key Tree Trimmings in st.<br>12/9/2020          |
| 2020-CE-2007   | 12/9/2020  | 1003 River Road political Sign still up<br>12/14/2020      |
| 2020-CE-2008   | 12/12/2020 | 1350 Atlantic St. Dumpster complaint<br>12/14/2020         |
| 2020-CE-2010   | 12/16/2020 | 323 Avenue A Refrigerater in Drive Doors ON<br>12/19/2020  |
| 2020-CE-2012   | 12/19/2020 | 203 Sixth Ave Tree Cuttings on vac. Lot<br>12/21/2020      |
| 2020-CE-2013   | 12/27/2020 | 1407 Atlant5ic St. Dune cros over no permit<br>12/28/2020  |
| 2020-CE-2014   | 12/27/2020 | 416 Fifth Ave Building without permit<br>12/28/2020        |
| 2020-CE-2011   | 12/19/2020 | 417 Secound Ave Abnd Veh. Boat needs to go b<br>12/23/2020 |
|  |            |  |
| NUMBER OF CASES OPEN THIS MONTH                        |            | 14   |
| NUMBER OF CASES CLOSED THIS MONTH                      |            | 12   |
| NUMBER OF CASES OPEN AND CLOSED SAME MONTH             |            | 10   |
| TOTAL NUMBER OF CASES STILL OPEN                       |            | 14   |
| NUMBER OF CASES THAT WENT TO Hearing                   |            | 0  |
|  |            |  |
| PREPARED BY Robert Schaefer, CODE ENFORCEMENT OFFICER, |            |  |



## **Melbourne Beach Police Department**

### **Monthly Report**

### **December 2020**



In December, we had a total of 5 Felony and 1 Misdemeanor ranging from Drug Trafficking, Drug Possession, Drug Paraphernalia to Habitual Driving Without a License.

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.

We had 4 animal complaints/calls this month consisting of;

1 Loose Dog

1 Barking Dog

1 Injured Bird

1 Raccoon Acting Unusual

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 Melbourne Beach Police Department assisted with traffic control for the Melbourne Beach Rotary Pineapple Man Triathlon, and the Melbourne Beach Volunteer Fire Department Children's Christmas Parade.

Melbourne Beach Police hosted another Movie in the Park showing "Arthur Christmas." The event was a hit and social distancing and masks were encouraged.

**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: December Monthly Call Report****DATE: 01/01/2021**

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**12/5- Traffic crash in the 300 block of Oak St. A bicyclist was traveling north on Oak St on the east side of the road and then veered west across the street in front of a car that was traveling north on Oak St. The car struck the bicycle's rear tire and the rider fell off. She was then transported to HRMC for further treatment.**

**12/12- Traffic arrest in the 1300 block of Miramar Ave in Indialantic. A b/m was arrested for DWLS W/KNOW. He was a habitual traffic offender.**

**12/30- Fraud in the 200 block of Fourth Ave. The male reported that someone used his social security card and purchased a phone from Verizon. He only requested a case report number for Verizon to investigate it further on their end.**

**PD News**

Our ATVs have now been outfitted with emergency lights and siren. The officers are currently being trained on the ATVs both in classroom and a proficiency practical.

The Police Department has finished getting new flooring, and is in the process of updating some furniture and painting.

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

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

Stay Safe, Chief Melanie Griswold

**MELBOURNE BEACH POLICE DEPARTMENT****Matthew Smith****Sergeant****507 Ocean Ave, Melbourne Beach, FL 32951****Phone: (321) 723-4343****Fax: (321)725-3253****Monthly Report December 2020**

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- 12/02- House fire in the 300 block of Third Avenue. No injuries were reported and the Melbourne Beach Volunteer Fire Department the fire out. The possible cause of the fire was a cigarette left in a chair. The house has been deemed unlivable.
- 12/07- Vehicle crash between two vehicles at Oak Street and Ocean Avenue. No injuries were reported and both vehicle sustained significant damage.
- 12/10- Search warrant conducted, with the assistance of the Brevard County Sheriff's Office, in the 400 block of Fourth Avenue. (6) Total arrests were made for possession of Methamphetamine with the intent to sell, possession of drug paraphernalia, owning/renting a structure with knowledge of drug trafficking occurring and 2 warrant arrests by the Sheriff's Office.
- 12/15- Criminal mischief in the 500 block of Ocean Avenue (Ryckman Park.) A juvenile shook a light pole in the park until it fell over. The juvenile was located and the town decided not to pursue charges and allowed the juvenile's parents to handle the juvenile's actions.
- 12/17- Trespass of a female in the 500 block of Banyan Way. The female started to cause issue with other guests at the residence and the owner requested the female be made to leave and not return.
- 12/18- Vehicle crash between two vehicles at Atlantic Street and Cherry Drive. One driver stated they may have a head injury, they would treat on their own and both vehicles had very minor damage.
- 12/23- Death Investigation in the 1700 block of Atlantic Street. A female was found deceased in her residence, unattended. The case was turned over to the Brevard County Sheriff's Office for investigation.



**Melbourne Beach  
Vol. Fire Department**  
507 Ocean Avenue  
Melbourne Beach, FL 32951  
(321)724-1736  
FireChief@MelbourneBeachFL.org

*FIRE DEPARTMENT MONTHLY REPORT*  
*December 2020*

### **Incident Response**

For the month of December 2020, the Melbourne Beach Volunteer Fire Department responded to 15 calls for service. The average number of responding volunteer personnel per paged out call for the month was 11.

Breakdown:

- 8 Fire/Rescue Calls (paged out)
- 2 Special Event Standbys
- 1 Public Assist
- 2 Medical Assists
- 2 Police Department Assists

### **Department Membership**

- Certified Firefighters: 17
- Support Services Personnel: 12
- Administrative Personnel: 2
- Probationary Personnel: 3

**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 the majority of our active MBVFD personnel continue to be healthy and are able to respond to incidents under the Department's COVID-19 response guidelines.

We currently have 3 members that have tested positive for COVID-19 and are out on mandatory quarantine. It is believed that all 3 members contracted it over the holidays and none of the 3 have been to the Fire Station in over a month, so there is no concern about the virus in our facility related to these individuals.

**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 participating municipalities was signed at the Commission Meeting in October and the project will start as soon as FEMA releases the grant funding.

**Grant Updates**

The Department is currently working on resubmitting a FEMA AFG grant to assist in offsetting the cost of new radios. It should be submitted sometime in January.

The Department resubmitted a Fire House Subs grant for the purpose of obtaining new extrication tools in October; at this point we are awaiting notification on if we were successful with this attempt or not.

The Department submitted a FEMA AFG-S grant in November with the purpose of obtaining additional PPE related to COVID response; at this point we are awaiting notification on if we were successful with this attempt or not.

**Notable Events**

The Melbourne Beach Volunteer Fire Department, with assistance from Indian River County Fire Rescue and Brevard County Fire Rescue responded to a working residential structure fire in the Town of Melbourne Beach. 1 victim was rescued from the building by a neighbor before emergency services arrived. The fire was quickly under control (within 10 minutes of being notified) and the spread was contained to the living room. The victim was initially treated by MBVFD personnel and then transferred to BCFR paramedics in stable condition. The victim was transported to the hospital as a precaution. The State Fire Marshal's office responded to conduct the fire investigation.

Department volunteers assisted the Melbourne Beach Rotary Club with their annual Pineapple Man Triathlon Event in December. The MBVFD provided water rescue, medical, and traffic control support. The water rescue team assisted 2 people in distress from the water and the EMS team assisted 1 minor bicycle accident victim. The Fire Department received numerous compliments from members of the public regarding the professionalism of our members at the event.

Chief Brown has been working with the Town's Fire Inspector to update the fire inspection software and optimize the inspection process.

The Melbourne Beach Volunteer Firefighters Association in partnership with the Fire Department hosted the Annual Children's Christmas Parade. This was the 55<sup>th</sup> year running the parade in Melbourne Beach and the Department has received nothing but positive feedback from the event.

The Melbourne Beach Volunteer Firefighters Association in partnership with the Fire Department hosted the Annual Christmas Eve Santa Run Gift Delivery Event. The event was a huge success with nothing but positive feedback from the public. This year we reduced the amount of sirens during the event in an effort to assist the local churches with their evening services. In total, over 460 presents were delivered this year, and over 30 donated gifts were given out to unsuspecting children in need of a present at the event.



# Memo

To: Mayor, Vice Mayor and Commissioners  
From: Jennifer Kerr, Finance Manager  
Date: January 14, 2021  
Re: December 2020

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We are in the third month of our fiscal year 2021. The target expenditure rate for December is 25%. 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. All items highlighted in yellow are being monitored. 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 25.1%. The Departmental expenditure rate breakdown is as follows:

|                        |       |
|------------------------|-------|
| Legislative:           | 26.2% |
| Executive:             | 28.2% |
| Finance:               | 27.5% |
| Legal:                 | 20.7% |
| Comp & Plan:           | 09.0% |
| General Services:      | 23.0% |
| Law Enforcement:       | 27.0% |
| Fire:                  | 19.1% |
| Code:                  | 25.4% |
| Public Works:          | 25.7% |
| Parks:                 | 39.6% |
| Ocean & Ryckman Parks: | 30.3% |

## **Discussion Items:**

Ocean & Ryckman Parks Fund have a couple line items that are high due to no revenue stream coming in at this time from the paid parking that is being installed.

Request for COVID funding under the CARES Act has been submitted to Brevard County Board of County Commission for COVID related expenditures and payroll. The amount being requested is approximately \$13,568.05 not including fringe benefits for payroll.