

Town of Melbourne Beach

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

MINUTES

Commission Members:

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

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

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

Staff Members Present

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

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Public Comments

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

Jim Simmons - 409 Avenue B

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

Mayor Alison Dennington spoke about not agreeing with the characterization.

Kate Wilborn - 502 Second Ave

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

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

5. New Business

A. Discussion on board member applications

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

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

Kate Wilborn – 502 Second Ave

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

Mike Krajic – 2103 Neptune Dr

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

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

Jason Judge – 206 Flamingo Ln

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

Jim Simmons – 409 Avenue B

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

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

Tina Coppock – 505 Avenue B

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

Frank Thomas – 606 Atlantic St

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

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

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

Commissioner Adam Meyer asked how a development order works.

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

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

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

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

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

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

Dan Harper - 418 Avenue B

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

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

Xochitl Ross – 1106 Atlantic St

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

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

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

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

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

Frank LaGrassa - 412 First Ave

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

Jeff Fischer - 509 Harland Ave

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

Jim Simmons - 409 Avenue B

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

Haley Conrad - 2011 Oak St

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

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

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

Kate Wilborn – 502 Second

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

Xochitl Ross – 1106 Atlantic St

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

C. Consideration of hiring a Deputy Town Clerk

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

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

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

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

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

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

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

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

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

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

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

Tina Coppock – 505 Avenue B

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

Kate Wilborn – 502 Second Ave

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

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

Jeff Fischer – 509 Harland Ave

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

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

Steve Walters - 416 Sixth Ave

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

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

Paula Panton – 809 Riverside Dr

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

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

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

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

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

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

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

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

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

Haley Conrad - 2011 Oak

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

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

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

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

Commissioner Corey Runte spoke about in short he agrees.

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

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

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

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

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

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

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

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

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

Tina Coppock - 505 Avenue B

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

Mark McBride - 310 Second Ave

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

Frank LaGrassa - 412 First Ave

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

Cynthia LaGrassa - 412 First Ave

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

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

Commissioner Sherri Quarrie left at 9:15 pm.

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

Paula Panton - 809 Riverside Dr

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

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

Mark McBride – 310 Second Ave

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

Anne McBride – 310 Second Ave

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

Roger Newell – 506 Colony

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

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

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

Jennifer Ottomanelli - 510 Avenue A

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

Gabor Kishegyi – 221 Surf Rd

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

Jeff Fischer - 509 Harland Ave

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

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

Anne McBride – 310 Second Ave

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

F. Discussion on stop signs

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

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

Commissioner Corey Runte left at 9:50 pm.

Kate Wilborn – 502 Second Ave

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

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

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

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

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

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

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

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

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

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

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

Jeff Fischer - 509 Harland

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

Dawn Barlow - 1710 Pine St

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

Jennifer Ottomanelli – 510 Avenue A

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

Tina Coppock - 505 Avenue B

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

Steve Walters - 416 Sixth Ave

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

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

Paula Panton – 809 Riverside Dr

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

Todd Albert - 1710 Pine St

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

Frank LaGrassa - 412 First Ave

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

Julian Leek – 905 Riverside Dr

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

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

6. Adjournment

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

Meeting adjourned at 10:32 p.m.



Alison Dennington, Mayor

ATTEST:



Amber Brown, Town Clerk

