

# Town of Melbourne Beach

## TOWN COMMISSION WORKSHOP JANUARY 16, 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 10:48 a.m.

#### 2. Roll Call

Town Clerk Amber Brown conducted roll call

#### Commission Members Present

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

#### Staff Members Present

Town Manager Elizabeth Mascaro  
Finance Manager Jennifer Kerr  
Building Official Robert Bitgood  
Town Clerk Amber Brown

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

#### 4. New Business

##### A. Interview legal services candidates

###### 1. Andrew Mai with Fishback Dominik, LLP at 10:30 am

Town Manager Elizabeth Mascaro spoke about attempting to contact Andrew Mai related to his interview which was scheduled at 10:30 am. His office advised there was a miscommunication when scheduling this interview.

Commissioner Corey Runte spoke about the miscommunication and scheduling conflict as a representation of the law firm, but he would be willing to allow the Town Manager to do a video interview with the candidate if they were willing.

Mayor Alison Dennington spoke about things happen, but it was not a great first impression.

Town Manager Elizabeth Mascaro spoke about receiving an email response confirming the interview date and time from both candidates.

Vice Mayor Sherri Quarrie asked for the confirmation emails to be added to the record since there is only one candidate should this be postponed to receive more.

Town Manager Elizabeth Mascaro spoke about having a third applicant, but he did not reply to the email. The RFP was open for about two weeks.

Commissioner Adam Meyer spoke about wanting to interview the next candidate and then determine if he would be a good fit. He wouldn't automatically get it just because he is the only candidate. The law firm has a lot of experience with municipal law, however, our main attorney has only practiced municipal law since June, so would they charge for him to do work and then have a senior attorney review his work?

Mayor Alison Dennington spoke about the law firm being very qualified.

Commissioner Corey Runte spoke about going through due process and if the last candidate is qualified and meets all of the Commission's expectations he would be in favor of hiring them. He is not in favor of opening it back up if the law firm meets all of the Commission's expectations.

Mayor Alison Dennington spoke about agreeing with Commissioner Corey Runte.

**Commissioner Corey Runte moved to adjourn until noon; Commissioner Marivi Walker seconded; Motion carried 5-0.**

2. Ryan Knight with Shepard, Smith, Kohlmyer & Hand, P.A. at noon

Mayor Alison Dennington called the meeting back to order at 11:48 a.m.

Town Clerk Amber Brown conducted roll call

**Commission Members Present**

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

**Staff Members Present**

Town Manager Elizabeth Mascaro  
Finance Manager Jennifer Kerr  
Building Official Robert Bitgood  
Town Clerk Amber Brown

Drew Smith who is a partner of the law firm spoke about interviewing with the Town 16-17 years ago. He and Cliff Shepard started the law firm in 2008. He has been working with Cliff since 2002 at a previous law firm. Since then he has represented many municipalities. He spoke about Ryan coming to the firm eight months ago and they are confident in him.

Ryan Knight who would be the named Town Attorney from the law firm spoke about how before he joined the firm he was in construction defect and dealt with litigation. He was looking for a change and has loved the change. He became a public defender out of law school then construction defect law and then joined this law firm. He was born and raised in New Smyrna Beach.

Mayor Alison Dennington asked since there is drive time how would you maximize that time. For example, would you use that time to dictate?

Ryan Knight spoke about how he does not typically dictate. He usually would use the time to return phone calls. The drive time is not billed only mileage would be reimbursed.

Vice Mayor Sherri Quarrie asked about his familiarity with land use, sunshine law, and public records.

Ryan Knight spoke about dealing with a land use issue recently in New Smyrna Beach. He argued and filed the brief for it and won. He is not as familiar as Drew is with those aspects, but he could go to him as a sounding board.

Drew Smith spoke about all new lawyers that come on first go through Ethics, Sunshine, and Public Records law. Everyone still refers to the books because the laws are constantly changing.

Vice Mayor Sherri Quarrie asked if multiple people would be billing for something.

Drew Smith spoke about if it is duplicating the work they would only charge for one, but if multiple people are working on separate aspects of something then they would each bill for it.

Commissioner Corey Runte spoke about how the law firm's government experience is significant. Would you be able to use your resources and knowledge from working with other municipalities to save Melbourne Beach money?

Ryan Knight spoke about the first thing he does is check with everyone in the office if they have dealt with a similar situation to help. If no one has then he would start doing research into other jurisdictions.

Drew Smith spoke about how his law firm has worked with several coastal communities that have different issues than inland municipalities which is helpful. He spoke about being able to speak from the Town Attorney's stance versus peer-to-peer and what other municipalities have done.

Commissioner Corey Runte spoke about contacting the City Manager of Satellite Beach and they had good feedback.

Commissioner Marivi Walker asked what attracted you to apply for this position. Our Town is so small and there is so much going on in Tallahassee that could severely affect our Town. What could your law firm do to help with that?

Ryan Knight spoke about being born and raised on the coast in a small community that has now grown and is no longer what it used to be. He spoke about this being a great opportunity for him to help out a community similar to where he grew up.

Drew Smith spoke about the law firm's standpoint on how they do not distinguish between the sizes of the municipalities. Small municipalities have the same issues as larger municipalities. The smaller municipalities need a law firm probably more so because they cannot have a whole legal department like the big municipalities. Every Town is unique and has its own character and every time Tallahassee chips away at Home Rule they are chipping away at the municipalities abilities to be unique. They like helping small towns most of all.

Commissioner Adam Meyer asked about their experience with Short Term Rentals.

Drew Smith spoke about a small community inland called Edgewood that never had an issue with short-term rentals, but now they do. His law firm is dealing with the issue right now. All of the communities in that Town have HOAs and one HOA missed the deadline to recertify their HOA documents, so now they went to the Town to help them. All of the HOAs have a minimum 30-day rental. They are working with the code enforcement department on how to prove there is a rental in violation. It's all about building the case. Flagler Beach hired him in 2008 at the end of a short-term rental issue. He has been representing municipalities to prosecute short-term rentals since 2009. Each jurisdiction is slightly different when it comes to short-term rentals, but they are similar.

Ryan Knight spoke about having similar issues at other municipalities.

Mayor Alison Dennington spoke about being interested in the law firm because of the wealth and experience but is slightly concerned because most of the answers are coming from Drew. Asked Ryan how he would handle providing a client the answer they need to hear rather than the answer they want to hear during a public meeting.

Ryan Knight spoke about dealing with those issues for the last 8 months since he has been attending municipal meetings. He is familiar with that and can speak indirectly versus directly. There are ways to work around issues.

Drew Smith spoke about Ryan attending a lot of meetings since he started. He attends three meetings every other week. His law firm is very protective of clients when they hire new lawyers. The law firm does not need to worry about sending Ryan to meetings. Ryan knows when to speak and when not to and how to speak. The law firm would not have Ryan put the proposal in if they did not feel he could do it. They send Ryan to the easy and hard meetings because he can do it.

Mayor Alison Dennington asked if he would be comfortable during a meeting saying he is not prepared to answer a question, but will research and get back to them.

Ryan Knight spoke about being able to determine when to speak up and when not to, and sometimes saying he will get back to them is the best answer.

Mayor Alison Dennington asked about how they would handle the use of email related to public records. Do you have a policy about emails that are confidential versus public records? Do you often get calls from individual commissioners?

Ryan Knight spoke about how the law firm does not have a formal policy, but they have an informal policy that they know every email that is sent to a public official will be public record, so if there is sensitive information he would call first before sending an email and explain what will be in the email and what will not.

Drew Smith spoke about how it depends on the municipality and topic if they contact the law firm or not. Some municipalities have strict guidelines on who and when to contact the attorney. The law firm will do whatever the municipality wants. It is easier to look at possible confidential items since things are sorted by matter.

Vice Mayor Sherri Quarrie asked if they are familiar with and following the proposed legislation related to short-term rentals.

Drew spoke about how he has followed it and read it and he has spoken with many entities about it. Florida League of Cities is opposed to it because there is a preemption. Local government is the best government, so anything against that is not good. However, there are some benefits to it such as being able to track rentals and prosecute through code enforcement. There is no perfect solution.

Mayor Alison Dennington asked how many municipalities they represent that did not have a short-term rental ordinance before the preemption.

Drew Smith and Ryan Knight spoke about there being two municipalities.

Commissioner Corey Runte spoke about how our municipality will be dealing with short-term rentals, sustainability, hardening projects, sea level rise, stormwater, and coastal concerns, but a bigger part being land use and zoning. Ryan's experience with construction is huge. What is Ryan's experience in land use, zoning, and land development code?

Ryan Knight spoke about not having a lot of experience in that, but he would lean on Drew for land use issues, and Drew would lean on him for construction-related issues.

Commissioner Adam Meyer asked who would be attending the various meetings of the Town.

Drew Smith spoke about how typically it would be Ryan or Drew attending the meetings unless something comes up then it could be someone else in the firm. Depending on the issue or meeting one of them might be more familiar with it, so that person would attend. Drew has a lot of experience with Code Enforcement, so he might attend those meetings. The law firm would send the best person for the issue that day, but typically it would be Ryan.

Mayor Alison Dennington spoke about everyone else in the firm being board-certified. Does Ryan plan to become certified and what does that entail? What were his three favorite classes in law school?

Ryan Knight spoke about as soon as he is eligible he will apply to be certified. Criminal Procedure, Torts during the second semester, and Constitutional Law.

Drew Smith spoke about working towards board certification as a requirement within his law firm.

Vice Mayor Sherri Quarrie thought the DBPR requirement in the bill would only apply to the large corporations, not the mom-and-pop rentals. Would the bill give the Town more teeth?

Drew Smith spoke about under current law if any rental is rented three times per year then they need to be registered through DBPR whether you are Airbnb or just a mom-and-pop rental. If the State did what they said they were going to do there wouldn't be as many problems. It wouldn't allow municipalities more teeth, but it would make prosecuting them through code enforcement a lot easier.

Vice Mayor Sherri Quarrie asked if there had been anything about limiting the amount of rentals in an area.

Drew Smith spoke about to his knowledge nothing like that has made it into a bill. The Attorney General was asked if a municipality can limit it and the Attorney General advised no they cannot do that.

Mayor Alison Dennington spoke about Airbnbs being an intense concern for our residents. Would like the Town's current code reviewed to tighten up the Code and create a handbook for our residents and police on what they can and cannot do. If that is what the Commission would like to do, would that be something the firm could create, and how quickly?

Ryan Knight spoke about if that is a priority of the Town then yes that is something they can do.

Drew Smith spoke about having experience related to short-term rentals, so he has done something similar for another municipality. That is something they can do. If there is a hot topic like that where educational material is helpful they could ask their other clients if they would like to participate as well to split the cost among the municipalities.

Town Manager Elizabeth Mascaro asked if Ryan would be the point of contact for her.

Ryan Knight spoke about yes he would be the point of contact. Normally you would email him and CC Drew in case he is in a meeting then Drew can respond.

Town Manager Elizabeth Mascaro spoke about it being helpful when the Town has questions we need a clearer response, or tell us what will happen if we do something. Sometimes in the past, it has been so wishy-washy. Maybe something like being able to take the attorney hat off and speak frankly. It has taken years to get residents to understand the preemption and that it is not the Town that is doing this.

Commissioner Corey Runte spoke about wanting a clear and concise definitive attorney who is not afraid to give the response during a meeting to the dismay of the public.

Mayor Alison Dennington spoke about not giving an answer that you are not sure about.

Ryan Knight spoke about how he would not have a problem saying he would need to do some research on that topic.

Drew Smith spoke about Ryan being the number one second chair for all of the municipalities, so a lot of the time Ryan gets those questions and has to deal with local municipalities a lot.

Town Manager Elizabeth Mascaro spoke about personal property rights has come up a lot recently. The Town Commission may not know if something is against the law and cannot speak up against it, so is that something you would speak up about? If something unlawful is said and we don't react people think it isn't against the law because we didn't say anything.

Ryan Knight spoke about being able to speak up against unlawful things. He said you can ask him to elaborate on a topic and he will.

Drew Smith spoke about the importance of nonverbal communication. They are careful not to jump into something the Commission does not want them to, but they might give eye contact to the Commission to communicate that they have a response to something.

Mayor Alison Dennington spoke about wanting to listen to a recording of a meeting that Ryan has attended. Is there a meeting that she can go and listen to?

Ryan Knight spoke about Eatonville, Fort Meyers CRA, and Dunnellon.

Vice Mayor Sherri Quarrie asked who the point person is for other municipalities because our Town Manager is the point person for Melbourne Beach.

Drew Smith spoke about the Manager being the point of contact for all of the municipalities that have a council-manager form of government.

**5. 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.

**6. Adjournment**

**Commissioner Corey Runte moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 5-0.**

Meeting adjourned at 1:03 pm.



Alison Dennington, Mayor

ATTEST:



Amber Brown, Town Clerk

