

Town of Melbourne Beach

TOWN COMMISSION WORKSHOP June 18, 2024 at 6:00 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Commissioner Adam Meyer

Staff Members:

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

Town Clerk Amber Brown

1. Call to Order

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

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Marivi Walker

Commissioner Adam Meyer

Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

Police Chief Tim Zander

Building Official Robert Bitgood

Town Clerk Amber Brown

Commission Members Absent

Commissioner Corey Runte

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. New Business

A. Discussion on short term rentals – 3:58

Town Attorney Ryan Knight presented an appellate opinion, he spoke about code issues and enforcement. He specifically mentioned the 4th amendment which guarantees all persons the right to be secure from unreasonable government intrusion. And the 5th amendment, the right to due process. He is also going to cover a bill analysis on SB 280 all related to short term rentals.

Mayor Alison Dennington asked about not being allowed to enter because of technical codes versus health and safety issues.

Town Attorney Ryan Knight explained that a code enforcement officer would have to believe there was an issue of safety or health, i.e. they are standing in a place they are allowed to be and could clearly see a wall falling down, a portion of roof that is missing etc. The Town Attorney spoke about anonymous complaints, saying the legislature made it so that people need to give their name and contact info to file a complaint. If there is an anonymous complaint, an inspector cannot start an inspection based on that complaint, however they can pass by the house and if they see it for themselves they can report it.

Annemarie McBride - 310 Second Ave (14:10) – Asked if the individual that files a code complaint is protected from public record.

Town Attorney Ryan Knight spoke about how the individuals' information would not be protected from public records, mentioning Florida Sunshine Law.

Town Attorney Ryan Knight spoke about parking (15:30). Recommends putting all parking citations under the Special Magistrate, prudent to list the exact number of vehicles that are allowed to park at a vacation rental, owners should notify renters of Town Codes. Believes it would be a combination of code and the police department dealing with parking issues. If a car is parked on your personal property, you can call and have the car towed or have a citation written.

Mayor Alison Dennington spoke about a case in Tampa and asked how they obtained the records. Asked about parking issues on personal property.

Vice Mayor Sherri Quarrie asked if one short term rental host has multiple issues with parking, would code or the police department address that.

John Butler – 312 Avenue B (38:30) - Asked if the issue here is that the officers have no way of knowing if it's a short term rental so it cant be enforced?

Mayor Alison Dennington suggested having the officers carry the list of short term rentals so they know where they can give citations for parking.

Town Attorney Ryan Knight said it would be a notice of violation through code enforcement, and the disconnect is that one is governed by the Special Magistrate and one is governed by just writing a ticket.

Mark McBride - 310 Second Ave (41:15) – Spoke about a gender reveal party that had cars parked all over the street. What can be done, and why can't the police go to the door and tell them they cannot do that?

Mayor Alison Dennington said that police officers are unclear on when they are and are not allowed to write tickets. Also asked if there could be one citation for the person parked and one for the owner of the short term rental for the same incident.

Police Chief Tim Zander spoke about giving people the benefit of the doubt if they are parked illegally. The police would go to the individuals and give them the opportunity to move their vehicle first. Said there could be two citations for the same incident.

Town Attorney Ryan Knight spoke about Town codes related to noise and short term rentals (47:00). Said the penalty is to be punished by fine not to exceed \$200. Said he has not spoken with Chief Zander about this yet. Believes he could figure out how that would affect the Magistrate budget by looking at other cities.

Vice Mayor Sherri Quarrie asked the Town Attorney if he had figured out with Chief Zander how officers would write tickets after hours, what would go to what department. Asked about the \$10,000 budget for the Magistrate, and if they would be able to figure out what that increase would be.

Mayor Alison Dennington suggested taking different provisions and creating forms for officers and code enforcement on these issues.

Carol Crispen - 205 Elm Ave (56:22) – Asked why we are discussing how the Town is going to cover the budget for these issues. Why shouldn't the Airbnb owner incur those costs instead of the taxpayers? Can't you increase the registration fee?

Mayor Alison Dennington said the Special Magistrate is a cost but when you go through procedure, they have to pay that back. Spoke about SB 280 if signed will remove the Town's registration process.

Town Attorney Ryan Knight spoke about noise regulation (59:28). As of now it is 11:00 PM for the town, but he believes it could be changed to 9:00 PM for weekdays, 10:00 PM for weekends. Says loud is subjective but should not need a decibel level. There's a code that says if the short term rental owner is notified of noise they must solve that issue within an hour.

Mayor Alison Dennington asked Police Chief Tim Zander if officers have a list of short term rentals and their owners so they can notify the owners of any issues.

Police Chief Tim Zander said they do not currently have that list but will work on it.

Town Attorney Ryan Knight mentioned noise sensors that some short term rental owners have that help with this issue. Some towns have implemented a 24 hour hotline to call if there are noise issues. For code enforcement, the neighbors have to give testimonies so they do not rely on hearsay for evidence. Touched on unregistered short term rentals and how to deal with that. Had some recommendations (1:26:42) which include creating a

policy for notifying owners, limiting the number of vehicles at short term rentals (have a specific number), limiting the amount of people between certain hours, establishing a way for residents to report issues after hours.

Mayor Alison Dennington referenced a code from the 1970s that had a duration for rentals, i.e. one week or more, one month or more. Wants to know when those were removed or if that was an error.

Town Attorney Ryan Knight said in December of 2017 the one week or more was taken out. It would have had to have been voted out by P&Z and the Commission.

Building Official Robert Bitgood said that building permit fees cannot be used for code enforcement, that's why it would fall on the taxpayers.

Commissioner Marivi Walker mentioned how this is going to increase costs and how to budget for it.

Mayor Alison Dennington said a realtor had published on a listing that the Town was lenient on short term rentals, and wants to change that opinion.

Annemarie McBride – 310 Second Ave (1:48:30) – Does not want this to happen to our community. Was told there is nothing you can do.

Mayor Alison Dennington said if this is important to the Town, a fund should be set up to put money aside for issues like this so they can be addressed quickly.

Vice Mayor Sherri Quarrie said the Commission needs an estimate and to know what they are looking at realistically to make a budget.

Ken Lebrato – 213 Cherry Dr (1:57:45) – One of the most important things from this meeting was the ordinance from December of 2017. What did it change? Asked the Town to find the money to get it done. What happens if owners do not notify tenants. How many cases has the Special Magistrate heard in the last 6 months(calendar year)? Do not wait for SB 280 to be signed. Enact something now.

Town Attorney Ryan Knight spoke about an ordinance in 2017 that changed the definition of the dwelling unit and removed the 7 day minimum requirement.

Mayor Alison Dennington said she wanted to put on the agenda a request to have this be investigated, could potentially be in July. Asked what kinds of certifications that could be required of the renter of a short term rental.

Building Official Robert Bitgood spoke about part of the inspection is to have the documents posted in the house. Said they've taken about 5 cases in the last year, none having to do with short term rentals.

Bruce Larson - 1507 Pine St (2:17:40) – SB 280 will be either signed or not signed by July 1st. Add something to the Regular Town Commission Meeting agenda tomorrow.

Mark McBride - 310 Second Ave (2:21:35) – Asked the police to knock on the door when vehicles are parked all over the road. When there are 20 vehicles outside and 35 people outside could they be requested to leave because they are violating the ordinance. Says the Town is fortunate that they can call the police if there is a noise issue.

Police Chief Tim Zander spoke about if vehicles are illegally parked then the officer would knock on the door and ask for the vehicles to be moved. Said if a resident does not get an answer from a police officer that they agree with they can always call and speak with a supervisor.

Town Attorney Ryan Knight spoke about if vehicles are parked illegally then the police should handle it. The definition of occupant is someone who is spending the night.

Mayor Alison Dennington said the Town could add more restrictions in case SB 280 does not pass, including trying to change the definition of an occupant not necessarily being overnight.

Charles Leps - 212 Cherry Dr (2:32:12) – Would the Special Magistrate accept testimony from another resident that would be willing to take photos and testify?

Town Attorney Ryan Knight spoke about as long as it is not hearsay. If the resident who saw the violation, took the pictures, and testified then yes the Special Magistrate would accept it, no matter if they are a next door neighbors or live across town.

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

Vice Mayor Sherri Quarrie moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 4-0.

Meeting adjourned at 8:38 pm.


Alison Dennington
Mayor

ATTEST:


Rachel Pembrook
Transcriptionist

