

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING June 19, 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 a 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
Town Attorney Ryan Knight
Police Chief Tim Zander
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Finance Manager Jennifer Kerr
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes – 1:22

Town Manager Elizabeth Mascaro removed Unfinished Business Item B – Consideration of replacing all of the curbing on Riverside Dr as part of the repaving project.

Vice Mayor Sherri Quarrie suggested multiple items go to a workshop.

Mayor Alison Dennington removed New Business Item D – Consideration of creating a municipal citizens academy to place it on the August 7, 2024 Town Commission Workshop.

5. Consent Agenda – 6:35

- A. Approval of the Regular Town Commission Meeting action minutes May 15, 2024
- B. Approval on changing the Ryckman House Historical Preservation and Awareness Board meeting time to 4:00 p.m

Commissioner Corey Runte made a motion to approve the Consent Agenda as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

6. Proclamations/Presentations/Awards

- A. Presentation by the Parks Board on Veterans Park, Bicentennial Park water feature, and playground equipment – 8:29

Parks Board Chairperson Dawn Barlow presented community thoughts and feedback on a Hometown Heroes program, Veterans Park, Bicentennial Park water feature, and playground equipment. Hometown Heroes is a program where there are banners that you can insert a photo of loved ones that are veterans. Each banner costs \$100-125, cost could be covered by parks board budget, corporate sponsorship, or family members. Would need to pick a time to showcase the banners, establish a website, and get feedback from the community. Would want to support it on an annual basis and return the banners to their families. To apply, families would have access to the website, submit photos and documentation about service validation. For Veterans Park they are looking at adding some shade and some benches. Mentioned incorporating a memorial to honor loved ones, possibly planting 6 trees to represent the 6 branches of service. The budget for this project would be \$15,000 and would get project ideas from 3 companies. For Bicentennial Park, a donation of \$1,500 was made to go towards a water feature. There are some complications that would make a water feature difficult like well water and coastal elements. Would possibly want to put the \$1,500 to something else if possible. For the playground, she said they want 2 design themes, 3 age groups of equipment, and would need to price it out for each age group.

- B. Presentation by the Melbourne Beach Volunteer Firefighters Association for the donation of a new marine rescue boat to the Melbourne Beach Volunteer Fire Department – 44:45

Fire Chief Gavin Brown spoke about the Fire Departments Marine Rescue Division. Mentioned the only cost to the taxpayer is ongoing costs such as fuel and repairs.

Vice President of the MBVFA, Travis Wood, spoke about the new boat the association purchased and will be donating to the Town.

C. Presentation by Town Attorney Ryan Knight on Robert's Rules of Order – 49:47

Town Attorney Ryan Knight spoke about Robert's Rules of Order, how an item placed on the agenda should be presented, and also mentioned being civil and courteous.

7. Finance/Budget Report – 55:34

Mayor Alison Dennington said she cannot vote in favor of the monthly budget without more information.

Commissioner Corey Runte made a motion to approve the finance and budget report as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

8. Department and Board/Committee Reports – 57:37

A. Public Works Department

No additions.

B. Building Department

Building Official Robert Bitgood said the department is doing good, a busy time of year.

C. Code Enforcement

Mayor Alison Dennington asked if renting a swimming pool by the hour is a code violation and about an unregistered short term rental.

Building Official Robert Bitgood said the pool rental would be a violation, and that the unregistered short term rental is going for a hearing with the Magistrate in July.

D. Fire Department

Fire Chief Gavin Brown said they are always recruiting volunteers, July 9th is the next recruitment orientation and they will be out with a recruiting table on July 4th. Also said they were the only Fire Department to volunteer with the Florida Fish and Wildlife to help remove 5,000 lbs of debris out of the waterway. Fuel and maintenance cost is not expected to go up with the bigger boat. Does approved training on the boat once a month.

Mayor Alison Dennington asked about fuel, maintenance and training for the bigger boat.

E. Police Department

Police Chief Tim Zander said they had a busy month, increased productivity, getting out into the community, and said to remember there is still crime in the Town. Said traffic detail for example is something you place at a stop sign that is being run to monitor the activity. Just because a traffic stop does not turn into a written warning does not mean it is not tracked. Said the national average is 20% of people who get pulled over get tickets.

Mayor Alison Dennington said she was confused about the numbers and asked what a traffic enforcement detail means. Asked if there were 322 traffic stops, 94 citations, and 18 written warnings, how does that math add up? Everyone should get written warnings.

Commissioner Corey Runte said they are not there to micromanage and should trust the staff to make decisions on traffic violations and tickets. The Commission agreed.

Commissioner Marivi Walker asked what the Mayor needed this information for.

F. Town Clerk

Town Clerk Amber Brown said the internet to the building is very old so streaming live is difficult and are working on getting a newer plan for around \$40 difference a month. Said she can get documents within 24 hours of requesting them for free.

9. Public Comment (Non-Agenda Items) – 1:23:16

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.

Jane Waters – 312 Sixth Ave – Commended the Mayor and asked about the stop signs, speed bumps, and poles at Ocean and Pine.

Jan Futch Guilbeau – 806 Oak St – Spoke about a city tax on her water bill and being upset about a negative interaction she had with the Town Manager.

Allen Waters – 312 Sixth Ave – Commended the Mayor for questioning the Police Chief.

Dan Brunger – 400 Sixth Ave – Spoke about how residents should contact the Town Manager if they have a problem with utility taxes and that the Town should educate people rather than adding more ordinances.

Bobby Williamson – 505 Riverside Cir – Spoke about not understanding why Circle Park's name was changed. He asked where the idea of a Veterans Park came from, and why spend more money when the current stuff is not taken care of?

Gail Gowdy – 215 Ash – Spoke about DAR puts flags up at Ryckman House, so maybe that would be a place to do something for veterans.

10. Public Hearings/Special Orders – 1:50:40

A. Ordinance 2024-03 Camping Prohibited – Second reading

**AN ORDINANCE OF THE TOWN OF MELBOURNE
BEACH, BREVARD COUNTY, FLORIDA, CREATING**

CHAPTER 73-20, "CAMPING PROHIBITED," IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS AND EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Ryan Knight spoke about one typing error in subsection (c) where it says "the Town Manager may waive subsection..." it should say subsection (b) not (c).

Roger Newell – 506 Colony St – Asked what the purpose of this is.

Mayor Alison Dennington said the purpose is to stop people from renting out their yard.

Dan Brunger – 400 Sixth Ave – Spoke about the Ordinance prohibits his grandkids from camping out in his backyard. Rewrite the Ordinance to allow that.

Anna Butler – 312 Avenue A – Asked if this Ordinance covers people living in an RV.

Bruce Larson – 1507 Pine St – Spoke about adding an exemption to allow homeowners to camp in their own yard, and asked where the line is on the beach that is Town property.

Commissioner Adam Meyer said if we allow families to camp in backyards it would need to be defined and where do we draw the line, can neighboring kids stay, etc?

Town Attorney Ryan Knight said he could draft a few versions and the Commission can choose the wording they like.

Lynne Hartmann – 325 Banyan Way – Spoke about one idea is to require the people camping to have full access to the common areas of the house.

Vice Mayor Sherri Quarrie said she took the wording from Satellite Beach before it becomes a problem in the Town like it has started to become there.

Commissioner Corey Runte summarized that most of the Commission would like to include family friendly verbiage for an exception for the owner with access to utilities.

Failed for a lack of motion

B. Ordinance 2024-04 Prohibit Smoking – Second reading – 2:15:30

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CREATING CHAPTER 73, ARTICLE VI, "PARKS AND BEACHES" IN THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN TOWN PARKS AND PUBLIC BEACHES; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Ryan Knight talked about adding vaping and phrased it as vapor generating electronic devices.

Dan Brunger – 400 Sixth Ave – Spoke about education instead of enforcement and to include marijuana.

Bruce Larson – 1507 Pine St – Asked if this applies beyond the berm of the beach.

Commissioner Corey Runte moved to approve Ordinance 2024-04 Prohibiting Smoking on public property; Commissioner Marivi Walker seconded; Motion carried 5-0.

11. Unfinished Business

- A. Consideration on the lifeguard contract for 2024-2025 – Town Manager Elizabeth Mascaro – 2:23:09

Town Manager Elizabeth Mascaro said the Town would be participating at a 50% cost share for two seasonal guards, it would cost \$63,967.08, the Town currently pays \$22,350.43. If the Town wants lifeguards all year it would be considerably more, costing \$166,771.33.

The Commission said this is a difficult decision but they do not want to participate and that taxpayer dollars should not go to this.

Haley Conrad – 2011 Oak St – Spoke about lifeguards being super important, and it is unacceptable to not have any lifeguards from Paradise to Spessard Holland.

Dan Brunger – 400 Sixth Ave – Spoke about witnessing a drowning recently in the County area. His family assisted and it took 10 minutes for first responders to show up.

Roger Newell – 506 Colony – Asked if it would be faster to call the Fire Department directly instead of calling 911.

Fire Chief Gavin Brown said 911 is faster than calling the Fire Department directly.

Brian Casazza – 2009 Oak – This is a mistake and irresponsible by the County Commission. A lot of the people at the park are county residents. This is a County problem.

Failed for a lack of motion

- ~~B. Consideration of replacing all of the curbing on Riverside Dr as part of the repaving project – Town Manager Elizabeth Mascaro – Removed from the agenda~~

- C. Ordinance 2024-01 Sheds – First reading – 2:39:35

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 7A-57 RELATING TO UTILITY SHEDS AND SETBACK REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR

**CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Alison Dennington abstained from the vote.

Town Attorney Ryan Knight suggested adding a grandfathering clause. Clarified that if a shed is destroyed, it would need to be built to new code.

Commissioner Adam Meyer asked if a shed is destroyed do they have to build to new code.

Commissioner Corey Runte made a motion to approve Ordinance 2024-01 Sheds first reading with the grandfathering clause; Commissioner Marivi Walker seconded; Motion carried 4-0 with Mayor Alison Dennington abstaining from the vote.

12. New Business

- A. Consideration of volunteer board member application from Tim Reed for the Board of Adjustment – Town Clerk Amber Brown – 2:43:20

Tim Reed said he applied for the Board position, said he can be objective.

Commissioner Corey Runte moved to approve the Board Member application for Tim Reed for the Board of Adjustment; Commissioner Marivi Walker seconded; Motion carried 5-0.

- B. Discussion on implementing a moratorium on traffic changes, and reviewing the policy for updates – Mayor Alison Dennington – 2:45:47

Mayor Alison Dennington said various stop signs have popped up, speed bumps, signs, etc, and that for community harmony and efficiency, she would like to have a moratorium that nothing new will pop up for 6 months and the Commission will work on a policy.

Brief Recess 8:47 p.m. - 8:51 p.m.

Vice Mayor Sherri Quarrie left at 8:49 p.m.

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Commissioner Corey Runte
Commissioner Marivi Walker
Commissioner Adam Meyer

Commission Members Absent

Vice Mayor Sherri Quarrie

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Police Chief Tim Zander
Building Official Robert Bitgood
Public Works Director Tom Davis
Town Clerk Amber Brown

Commissioner Corey Runte pointed out the connection between the two agenda items Mayor Alison Dennington brought up and does not feel it makes sense to talk about the next item if the moratorium is approved.

Commissioner Marivi Walker expressed concern with taking away power from those who know more than the Commission and asked if the Commission is normally this involved.

Police Chief Tim Zander said his job is to go over the safety of the Town. If there is a problem with a road with multiple traffic lanes, a traffic engineer would absolutely be necessary, but if we bring a traffic engineer to the Town it would cost thousands for a four way stop. Says he is in support of what the Commission decides, and also does not want lots of signs. Also says he has a safety background and is qualified to make decisions regarding safety.

Mayor Alison Dennington says it would not require a traffic engineer for everything, and that there should be a meeting to discuss changes with the public before they are implemented. Says there is already an exception for emergencies in the wording.

Commissioner Adam Meyer believes the Commission should not make traffic safety decisions and putting a moratorium in place without exceptions is dangerous.

Jane Waters – 312 Sixth Ave – Spoke about not having an issue with the stop signs, but does not agree with the speed bumps and poles. The public should at least be informed.

Haley Conrad – 2011 Oak – Spoke about being against removing a traffic engineer from the code, the Town has a civil engineer that could be used for a traffic study, and residents were not being notified. The Commission should address quality control.

Doug Hilmes – 443 Riverview Lane – Spoke about how there are safety issues crossing A1A, and all the other stop signs were not necessary. Does not support the moratorium because then you cannot remove the next agenda item. There needs to be a process and it should go to the Commission.

Failed for a lack of motion

C. Discussion on Ocean Ave speed bumps and stop signs – Mayor Alison Dennington – 3:27:50

Mayor Alison Dennington said people have come to her about this issue so she put it on the agenda. Believes the stop signs are good, the speed bumps are bad and that the Commission could vote or put out a survey to the residents on this issue.

Commissioner Corey Runte says safety is the most important and nothing should be taken out.

Police Chief Tim Zander says that people are following the law because of the things in place and that following the traffic laws is the safest thing.

Commissioner Adam Meyer said putting the speed bump in while the stop sign was new made sense but does not believe it needs to be there indefinitely.

Haley Conrad – 2011 Oak – Spoke about agreeing with the stop signs, and asked why no one has looked into why the stop signs are being run.

The Commission discussed the safety issues and what parts are necessary and are not.

Doug Hilmes – 443 Riverview lane – Spoke about how a study should have been done. Agrees with having the stop signs, but does not think the speed bumps and poles are necessary. Do the right thing and figure out how to make the stop signs more visible.

Joe Pavlock – 501 Third Avenue – Spoke about being a retired traffic sergeant and has dealt with a lot of traffic issues. Requests two resident surveys. One about removing the speed bumps and poles. The second one for removing the stop signs with the condition of narrowing the lanes.

Tim Reed – 302 Fourth Ave – Spoke about when the road is redone that is an opportunity to do something more effective.

Gail Gowdy – 215 Ash – Spoke about being in favor of the stop signs, but not in favor of the speed bumps and poles. It's an enforcement issue so address it that way.

Mayor Alison Dennington made a motion to take a vote to take out the speed bumps; Commissioner Adam Meyer seconded; Motion carried 3-1 with Commissioner Corey Runte dissenting.

~~D. Consideration of creating a municipal citizens academy – Mayor Alison Dennington –
Removed from the agenda - 4:03:45~~

E. Consideration on changing the rank of a Lieutenant to Deputy Chief within the Police Department- Police Chief Tim Zander – 4:04:15

Police Chief Tim Zander is asking to change the second ranked position from Lieutenant to Deputy Chief which carries a higher level of authority. This does not come with a pay increase, it is simply a name change. Says there is no more authority internally for a Deputy Chief over a Lieutenant.

Mayor Alison Dennington mentioned there is an educational requirement so it does differ in that regard and that she is against the rank title change. Also mentioned asking for records and not receiving them from the Police Department.

Commissioner Adam Meyer said he is concerned about the finance side, what would the implications be down the road? Would a new hire in the future for a Deputy Chief to fill the position be a higher level of cost? As a Lieutenant, he has some level of authority, if he is Deputy Chief, is there additional authority he would have in the Police Chief's absence?

Commissioner Marivi Walker said they had the same issue at the office of admissions, and the titles that were in place did not work so they did a restructuring without changing pay. People were happy to have the title even with no difference in pay.

Commissioner Corey Runte said there are pros and cons and the Commission has control so if making that change became an issue, they could always change it back.

Haley Conrad – 2011 Oak St – Spoke about how her company did this and it increased morale and how people live up to their expectations.

Tim Reed – 302 Fourth Ave – Spoke about not being in favor of it, and this seems like a want not a need.

Commissioner Corey Runte moved to approve the consideration on changing the rank of Lieutenant to Deputy Chief within the Police Department as presented; Commissioner Marivi Walker seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

- F. Consideration of the Statewide Mutual Aid Agreement with the Florida Division of Emergency Management – Town Manager Elizabeth Mascaro – 4:21:04

Town Manager Elizabeth Mascaro spoke about the Division of Emergency Management being able to step in and help in case of an emergency. It's been an agreement since 1994.

Commissioner Corey Runte moved to approve consideration of the Statewide Mutual Aid Agreement with FEMA; Commissioner Adam Meyer seconded; Motion carried 4-0.

- G. Consideration to renew the contract for James Moore – Town Manager Elizabeth Mascaro – 4:25:15

Town Manager Elizabeth Mascaro said this is the current accounting firm, and provided a 3 year renewal for years 2024-2026. 32,000 for 2024, 33,500 for 2025, 35,000 for 2026. If the Town receives grant funds in excess of \$750,000 that requires a separate audit for those funds.

Tim Reed – 302 Fourth Ave – Said that the contract says if we need an audit then it will cost an additional \$1,500.00. See if they will include one free audit if necessary.

Commissioner Marivi Walker made a motion to renew the contract for James Moore; Commissioner Corey Runte seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

13. Administrative Reports – 4:33:22

- A. Town Attorney

No additions.

- B. Town Manager

Town Manager Elizabeth Mascaro said they all went to conferences to get education, mentioned property value increases, said everything overall is going well.

14. Commission Reports

15. Task List

Lifeguard Coverage – Closed
Sixth Ave Board Ramp – Push to December

16. Public Comment

17. Adjournment

Commissioner Marivi Walker moved to adjourn; Commissioner Adam Meyer seconded, Motion carried 4-0.

Meeting adjourned at 10:44 p.m.



Alison Dennington, Mayor

ATTEST:



Rachel Pembroke, Transcriptionist



