

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING September 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

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 6:12 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

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Fire Chief Gavin Brown
Deputy Police Chief Matthew Smith
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 – 2:48

Vice Mayor Sherri Quarrie made a motion to accept the meeting agenda as presented; Commissioner Corey Runte seconded; Motion carried 4-0.

5. Consent Agenda – 4:16

- ~~A. Approval of the Special Town Commission Meeting final minutes September 6, 2024~~
- ~~B. Approval of the Special Town Commission Meeting – Tentative Budget Hearing final minutes September 6, 2024~~
- ~~C. Approval of the Town Commission Workshop final minutes August 27, 2024~~
- ~~D. Approval of the Town Commission Workshop final minutes August 22, 2024~~
- ~~E. Approval of the Special Town Commission Meeting final minutes August 21, 2024~~
- ~~F. Approval of the Regular Town Commission Meeting action minutes August 21, 2024~~
- ~~G. Approval of the Town Commission Workshop final minutes July 3, 2024~~
- ~~H. Approval of the Town Commission Workshop final minutes June 18, 2024~~
- ~~I. Approval of the Regular Town Commission Meeting final minutes May 15, 2024~~
- ~~J. Approval of the site plan for 1609 Atlantic St – new home~~

Mayor Alison Dennington pulled Items A through I from the Consent Agenda to be put at the end of New Business, and Item J to the beginning of Unfinished Business.

Town Attorney Ryan Knight confirmed Consent Agenda Items A through I have been moved to the very end of the meeting under New Business, and Consent Agenda Item J which is the approval of the site plan was moved to the first item under Unfinished Business. Leaving no items on the Consent Agenda to vote on.

6. Proclamations/Presentations/Awards –

- A. Proclamation recognizing September 17th through September 23rd as Constitution Week – 7:58**

Mayor Alison Dennington read the proclamation recognizing September 17th through September 23rd as Constitution Week.

- B. Presentation from the Parks Board on updates and recommendations on ongoing projects – 10:23**

Chairperson Dawn Barlow presented updates and recommendations on the 5 projects that the Parks Board is reviewing: Hometown Heroes, Veteran's Park, Bicentennial Park Water Feature, Playground Equipment, and Circle Park Enhancement.

Commissioner Corey Runte spoke about being in favor.

Alison Dennington spoke about being in favor of Hometown Heroes and a refresh on Circle Park but would like to bid it or set a limit.

Vice Mayor Sherri Quarrie spoke about residents wanting to be aware of what happens in the Parks, so it needs to be noticed to the public before making any changes to the Parks.

Chairperson Dawn Barlow spoke about notifying all of the residents around Circle Park and the residents mentioned being okay with a refresh of Circle Park, but not having it as a Veteran's Park. Move the Veteran's Memorial to Ryckman Park as an honor walk where the coquina rock is.

Commissioner Corey Runte spoke about trusting the Parks Board and Staff. Supports the refresh of Circle Park. Recommends proceeding with working with Staff to proceed in concept and start the planning process. Loves the idea of fundraising for the brick path.

Mayor Alison Dennington spoke about being in favor of all of it.

Vice Mayor Sherri Quarrie and Commissioner Marivi Walker agreed with proceeding with the refresh of Circle Park and the brick path for a Veteran's Memorial.

Chairperson Dawn Barlow spoke about Bicentennial Park and the donation from the dissolved Garden Club that was donated for a water feature. Reached out to some experts who mentioned an upfront cost of approximately \$6,000 and a monthly maintenance of \$200.00. Based on the donation amount of \$1,500 the Parks Board did not approve the water feature. Will table this item for now and focus on the other items.

Mayor Alison Dennington agreed and is in favor of returning the money.

Commissioner Corey Runte spoke about continuing the conversation, but not making it a priority.

C. Presentation from the Planning and Zoning Board on the tree cutting and replacement ordinance – 47:54

Planning and Zoning Board Member Dan Harper spoke about the Board's requesting a slight change to the tree ordinance. The Planning and Zoning Board recommended changing Section 9A-7(C) to delete the second sentence "any trees that are removed for new construction shall be replaced by the same or similar species." Keep the tree density before and after provision. This would have no impact on the requirements regarding oak trees.

Mayor Alison Dennington spoke about being in favor as long as a definition of density is added.

Commissioner Corey Runte spoke about being generally in favor of it and thinks a public workshop is needed and involve the Environmental Advisory Board.

Vice Mayor Sherri Quarrie spoke about the Environmental Advisory Board and the Building Department needs to be involved. Trees are a big deal, so we need input from everyone. Not ready to make a decision yet.

Commissioner Marivi Walker spoke about needing more information before making a decision.

Planning and Zoning Board Member Dan Harper spoke about there being conflicting language about trees in the ordinance. One says tree for tree and one says proportional.

Town Attorney Ryan Knight spoke about if there are two conflicting ordinances get with him ahead of the meeting, so he can go through and see which Ordinance would prevail.

The Town Commission had a consensus to allow the Town Manager to coordinate moving forward.

D. Recognition of Boy Scout Logan Knolmayer for the completion of his Eagle Scout project – Installation of fire hydrant reflectors throughout the Town of Melbourne Beach – 1:00:22

Resident Logan Knolmayer thanked everyone who assisted him in completing his Eagle Scout Project and for allowing him to do the project. Approximately 82 man-hours went into installing fire hydrant reflectors throughout the Town.

Fire Chief Gavin Brown spoke about the project is more than just completing the project. It is about project management as Logan had to coordinate funding, safety, and logistics, attend meetings, and get approvals to complete the project from start to finish.

Mayor Alison Dennington read a letter of thanks to Logan Knolmayer for his Eagle Scout Project that increased public safety within the Town of Melbourne Beach.

7. Finance/Budget Report – 1:06:05

Commissioner Corey Runte spoke about being below the target rate of expenditures.

Commissioner Corey Runte made a motion to approve the Finance Report as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

8. Department and Board/Committee Reports

A. Public Works Department – 1:07:35

Mayor Alison Dennington spoke about the Oak tree is going to die by the new deck. Asked about the swale installation and asked for a procedure for requests.

Town Manager Elizabeth Mascaro spoke about how the tree has been looked at and it is not going to die. The Town still has the swale program, and a resident requested the swale.

Mayor Alison Dennington spoke about asking for a swale several times and no one responded and she did not receive one, so there needs to be some type of written criteria for it since it is a free service to residents.

Town Manager Elizabeth Mascaro asked Mayor Alison Dennington if she would still like a swale.

Mayor Alison Dennington spoke about not wanting a swale.

B. Building Department – 1:12:02

Town Manager Elizabeth Mascaro spoke about Mayor Alison Dennington having a question about a shed that was installed because it was 10 feet by 16 feet. 160 Square feet is the allowed maximum size.

C. Code Enforcement – 1:14:05

Town Manager Elizabeth Mascaro spoke about the software has limitations on how much detail is currently provided on the reports, so the Town is currently working to add more categories.

Mayor Alison Dennington spoke about cases seem to be pending for a long time.

Town Manager Elizabeth Mascaro spoke about the attractive nuisance is a home the Town is about to have condemned because the house has been in probate.

Mayor Alison Dennington spoke about the cases in the status first letter and telling short term rental violators they could not rent until they were registered.

Town Attorney Ryan Knight spoke about the Code Officer would have no authority to tell someone they cannot continue to rent while they are in the registration process.

Mayor Alison Dennington spoke about not understanding the verbal warning. Why not immediately file a notice of violation for short term rental violations? The verbal warning does not start the clock.

Town Attorney Ryan Knight spoke about the whole point of code enforcement is compliance. Typically, you provide a warning with an amount of time then inspect to see if there is still a violation. If so, then you send a notice and schedule a hearing.

Mayor Alison Dennington spoke about wanting the amount of time when a verbal warning is given. Asked how soon the next Magistrate Hearing would be scheduled.

Commissioner Corey Runte suggested Mayor Alison Dennington meet with the Town Manager prior to the meeting to go over any questions.

Mayor Alison Dennington asked about the report on page 196 of the packet.

D. Fire Department – 1:26:46

Fire Chief Gavin Brown spoke about the Fire Department is a teaching station with 9 State Certified Instructors which is why you will see fire trucks from other departments in Town and at the station.

Mayor Alison Dennington spoke about the Fire Department being awarded a grant for \$40,952.00.

E. Police Department – 1:28:16

Mayor Alison Dennington spoke about being very happy with the data.

F. Town Clerk – 1:29:54

Town Clerk Amber Brown spoke about the new Town website will go live September 25th.

9. Public Comment (Non-Agenda Items) – 1:30:58

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.

Town Clerk Amber Brown read a public comment sent in by **Walter Hardman – 320 Sixth Ave** – *Some residents and elected officials feel they do not have to treat town employees with respect. Town employees deserve better, residents should hold elected officials accountable for their behavior.*

Jim Simmons – 409 Avenue B – *Spoke about issues the Mayor has caused with staff and the staff has never been better. The Mayor's actions jeopardize everything the Town has accomplished. We need a change in Mayor.*

Kate Wilborn – 502 Second – *Spoke about Mayor Dennington has improved communication with the Town and created the Town forum where people can connect.*

Mark Formica – 215 Birch – *Spoke about there being bullying here and it is distasteful, people want to see details, and tone is down a bit.*

Frank LaGrassa – 412 First Ave – *Spoke about applauding the Mayor for doing things the prior Commission did not do.*

Tina Coppock – 505 Avenue B – *Spoke about a prior comment about social media. People use social media as a weapon. The Mayor accused Adam Meyer of having a backup plan. The Mayor owes some people an apology. Stop doing it or resign.*

Mark McBride – 310 Second Ave – *Spoke about and thanked the Commission for funding enforcement of short term rentals, and spoke about issues with short term rentals. What has been done in the past year? Please make short term rentals a priority. Provided a handout on short term rental ordinance recommendations.*

Bryan Troy – 509 Hibiscus Trl – *Spoke about as a leader the Mayor wont denounce her followers when they go so far as calling people sexual predator supporters, or saying Joyce Barton is not ellgible. You're either part of the problem or part of the solution.*

Mayor Alison Dennington spoke about not being responsible for other people's comments.

10. Public Hearings/Special Orders

11. Unfinished Business

- A. Originally Consent Agenda Item J – Approval of the site plan for 1609 Atlantic St – new home – 1:53:00

Mayor Alison Dennington spoke about not having any issues with it but pulled the item to allow the public to speak.

Jim Simmons – 409 Avenue B – Spoke about site plans go on the consent agenda because the only responsibility is to ensure they meet the code. It is not for public review.

Bruce Larson – 1507 Pine – Spoke about attending the Planning and Zoning meeting and it was done correctly. That is not the case for many other ones. The question is where is the height being measured from?

Commissioner Corey Runte made a motion to approve 1609; Commissioner Marivi Walker seconded; Motion carried 4-0.

- B. Originally Unfinished Business Item A - Consideration on filling the Town Commission seat vacated by Commissioner Adam Meyer – 1:57:43

Mayor Alison Dennington spoke about having a Special Meeting to discuss this item.

Commissioner Marivi Walker spoke about having a meeting and everyone presented themselves and they are all fabulous.

Commissioner Corey Runte spoke about appreciating everybody stepping up and applying. We have amazing candidates, thanked them, and encouraged them to run in the next election to stay involved.

Mayor Alison Dennington spoke about her choice would be Dawn Barlow. All of the candidates are great. Dawn has done a phenomenal job on the Parks Board and has attended all of the meetings lately, as well as Bruce Larson.

Julie Samuels – 2320 S River Rd – Spoke about serving on the Parks Board with Dawn Barlow and thinks she is highly qualified and would be a great addition.

Commissioner Marivi Walker made a motion to appoint Mr. Robert Baldwin to the vacated seat by Mr. Adam Meyer; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

Town Clerk Amber Brown administered the Oath of Office for Commissioner Robert Baldwin.

Recessed at 8:14 pm - 8:33 pm.

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 Robert Baldwin

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Deputy Police Chief Matthew Smith
Town Clerk Amber Brown

C. Originally Unfinished Business Item B - Approval of the Town Commission Workshop final minutes March 6, 2024 – 2:06:38

Mayor Alison Dennington spoke about voting against it because the Charter requires the minutes to be prepared 5 days after the meeting and there are 9 sets of minutes on the agenda, so she has not had time to relisten to all of the meetings.

Commissioner Corey Runte made a motion to approve the meeting minutes from March 6th; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

D. Originally Unfinished Business Item C - Consideration to offer reduced pricing on non-resident parking passes – 2:13:26

Town Manager Elizabeth Mascaro spoke about it in September 2023 the Commission discussed this but made no decision on reducing the guest parking pass the later in the year it is. One idea is to charge \$100 in January, \$50 in July, and \$25 in September.

Commissioner Marivi Walker verified this would be to pro-rate it when people buy it later in the year.

Commissioner Corey Runte spoke about being fine with that.

Vice Mayor Sherri Quarrie spoke about the reason it was not reduced is because it will still require the same amount of staff time and September through December is the busiest time of year.

Mayor Alison Dennington spoke about being against this, raise the price to \$200, have a limited number, and maybe for the last month it could be \$100. This will play into Airbnb's as well.

Commissioner Corey Runte asked how many guest passes have been sold this year.

Mayor Alison Dennington spoke about wanting to know what the cap amount is.

Commissioner Corey Runte suggested tabling this, but is in favor of pro rating it for \$50 half way through the year.

Vice Mayor Sherri Quarrie spoke about in the very beginning, the Commission did not want to allow nonresidents to park at crossovers, but because of the beach renourishment, the Town had to allow nonresidents to park there.

Commissioner Corey Runte made a motion to table the parking pass item under New Business; Commissioner Marivi Walker seconded; Motion carried 5-0.

E. **Originally Unfinished Business Item D - Consideration on the design for an ADA compliant ramp on the Community Center – 2:21:29**

Town Manager Elizabeth Mascaro spoke about this is to come into compliance with ADA by adding a ramp to the front of the Community Center because there is no handicap parking near the ramp in the rear. This is for the Commission to decide to approve the concept so it can go out to bid or not. There is \$40,000.00 set aside for this.

Commissioner Corey Runte spoke about he will be voting to approve it.

Vice Mayor Sherri Quarrie asked why there are steps on the west end and not a ramp.

Town Manager Elizabeth Mascaro spoke about the steps go into the grass in case people want to walk into the park.

Mayor Alison Dennington spoke about not being against it, but it is pretty small, so she cannot see it. In the future provide bigger versions.

Town Manager Elizabeth Mascaro spoke about the drawings are engineer drawings in order to have the proper grade, and the ramp has to be on the north east to accommodate and add two handicap parking spots at the ramp.

Tim Reed – 302 Fourth Ave – Spoke about he thought the justification of removing the half circle was for the ramp.

Commissioner Corey Runte spoke about the half circle was removed because it served no purpose and by removing it we gained pervious green space.

Commissioner Corey Runte made a motion to approve the ADA ramp in concept as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

12. New Business

A. **Consideration to allow legal team to put together a process and plan of action regarding investigating allegations of a toxic workplace – 2:28:41**

Vice Mayor Sherri Quarrie spoke about receiving an email with the resignation from the Building Official, and the reasons included a statement of a toxic workplace. An accusation of this degree requires an investigation that includes interviewing all of the employees. Also was contacted by residents wanting to know why an investigation has not already been started due to the nature of the accusations. The accusations are against an elected official, but the employee stated it is in the workplace, so a full investigation needs to be done. Requested the Commission to vote to allow the legal team to put together the necessary process and plan of action. Either have the Town Attorney's law firm perform

the investigation, or allow an outside firm to do the investigation. The resignation letter includes a statement that things are not going to change while the Mayor is on the dais.

Town Attorney Ryan Knight spoke about his firm and himself represent the Town, so he thinks it would be a conflict of interest, so if there is an investigation it should be done by an independent third party firm that has an employment attorney. That would normally cost around \$350 per hour. Depending on how many documents are included and how many employees are included it can cost anywhere between \$50,000-\$125,000. He is not an employment lawyer, however, to be considered a hostile work environment the employee needs to be in a protected class. As far as the letter goes, there are no allegations that the individual is part of a protected class.

Mayor Alison Dennington spoke about there is nothing in the letter. The Commission is not his boss, and they have oversight. The employee can believe it is toxic in his mind that does not mean it is legally.

Town Attorney Ryan Knight spoke about any allegations of a toxic work environment would be for someone else to determine not the Town Attorney. Someone saying it is toxic or a hostile environment does not make it so legally. Unless there is other evidence or emails that back it up.

Mayor Alison Dennington spoke about having a deposition of Robert Bitgood while he was the Building Official. He was deposed for a personal matter for the previous Police Chief Melanie Griswold.

Commissioner Corey Runte spoke about the fact that the Mayor is trying to find an out is concerning. The Mayor is not good with conflict or challenges. Robert Bitgood was a fantastic Building Official and the sole reason he resigned is the Mayor, which is a shame. Not in favor of having an attorney do an investigation, but is in favor of the Town Attorney sending a survey to all staff asking if the Mayor has caused a toxic work environment. The Mayor needs to grow and reflect on this otherwise the Town is going to lose everybody from the staff and the commission.

Vice Mayor Sherri Quarrie spoke about Building Official Robert Bitgood is great and dedicated to his job. Finds it disturbing the Mayor went out of her jurisdiction to find out what he was doing outside of the Town.

Mayor Alison Dennington spoke about the Building Official was hired as an expert witness and he did not disclose it on his state financial forms for the first 2 years which is a violation of State law.

Commissioner Corey Runte spoke about the Mayor being thrown out of the hearing.

Town Manager Elizabeth Mascaro spoke about the Mayor sending a brief to the prior Police Chief's attorney.

Mayor Alison Dennington spoke about what Commissioner Corey Runte and Town Manager Elizabeth Mascaro said was false. She was looking for an attorney to represent her in the appellate case and was given that law firms information. Mr. Bitgood did not disclose it to the Town in writing.

Town Manager Elizabeth Mascaro spoke about Robert Bitgood disclosed it to her verbally.

Town Attorney Ryan Knight spoke about it would not need to be disclosed in writing.

Mayor Alison Dennington spoke about grievances from employees against the Town Manager.

Vice Mayor Sherri Quarrie spoke about the grievance from Tom Davis went to the attorney, and it went through the proper process.

Commissioner Marivi Walker asked about the resignation letter stating the Mayor contacted State authorities regarding Robert Bitgood.

Vice Mayor Sherri Quarrie spoke about meeting with Robert Bitgood and he spoke about the pool that went to the Board of Adjustment needed clarification from DEP regarding their permit. The Building Department sent the clarification email to the Commission. The Mayor contacted the Department of Environmental Protection and the homeowner and made disparaging remarks about the Building official and his Department.

Commissioner Corey Runte asked what the Mayor said when she contacted DEP which is out of line.

Mayor Alison Dennington spoke about receiving an email with a response from DEP and contacted them thinking it was related to the mangroves. She contacted DEP and they advised the DEP clerk made an issue on the permit. The Mayor mentioned to DEP that residents are upset about mangroves being cut. She did nothing wrong.

Commissioner Corey Runte spoke about it being completely wrong to contact DEP, and then to take that opportunity to make disparaging remakes about a completely different property. Stay in your lane.

Vice Mayor Sherri Quarrie spoke about receiving the original email at 2:07 pm and an additional email was sent 1 hour later advising it was sent by accident as it was intended for the Board of Adjustment regarding a coastal variance. The Mayor did all of that within one hour.

Commissioner Corey Runte spoke about receiving the correction email at 3:46 pm explaining it was an accident, so in 47 minutes the Mayor decided to contact DEP and talk about other properties in Town.

Mayor Alison Dennington spoke about if he cannot do his job then the Town does not need him.

Tina Coppock – 505 Avenue B – Spoke about if there is any doubt of treatment go back and listen to the recordings after the Mayor took office. The Mayor treated him badly in front of the entire public for no reason. Finds it ironic the Mayor is worried about legal expenses when she ran up over \$80,000.00 suing the Town.

Mayor Alison Dennington spoke about disagreeing with that opinion.

Robin Davis – 318 Sixth Ave – Spoke about the mayor should have passed the gavel because the allegations are against her. The complaint should go to the FDLE Public Integrity Unit and to the Ethics Commission. Follow Robert's Rules of Order, stay in your lane and out of the weeds, and allow staff to do their job. When people make a mistake they will fix it. They are not intentionally doing anything. Does not want the news coming back it is embarrassing. Try to be civil.

Mayor Alison Dennington spoke about calling the Town Attorney prior to this who advised she should not recuse herself. Spoke about Robin Davis being Tom Davis's wife and he filed a grievance against the Town Manager.

Commissioner Corey Runte called point of order on the Mayor for making incendiary accusations towards other people with accusations that are completely irrelevant and deserve a response from Robin Davis, and stop interrupting her. The Mayor is weaponizing a grievance.

Mayor Alison Dennington stated the point of order was not well taken.

Commissioner Corey Runte appealed the ruling, and spoke about wanting to hear Robin Davis's respond to the Mayor's statements.

The Commission started to vote but it was not finished and was indecipherable.

Commissioner Corey Runte asked Robin Davis if the grievance from Tom Davis was resolved.

Mayor Alison Dennington spoke about there being a grievance against the Town Manager and the Commission never wanted to talk about it, but because this is about her it is a huge deal. Spoke about the Town Manager saying to her that the office has noticed how Tom has put his hands on her when he talks. The Mayor did have any problems with it, but thought Tom was going to get thrown under the bus and fired.

Robin Davis spoke about to her knowledge the grievance was resolved properly, and said you will be hearing from her lawyer.

Bryan Troy – 509 Hibiscus – Spoke about only meeting Robert Bitgood once and he went above and beyond to assist and be helpful. If you are trying to prove work place harassment the first meeting the Mayor embarrassed him and dressed him down for 10 minutes.

Tina Bove – 216 Ash Ave – Spoke about not doing any social media because of this. Can see the Town and Community is being split. Should be an example to our children. We might be getting our children back in order by limiting social media and maybe take an example from the kids. Take it down. It does seem stacked right now. These are our neighbors we should not be at each other's throats.

Mark McBride – 310 Second Ave - Spoke about agreeing the Commission would do well not to talk about this. Was there a formal grievance filed by Robert Bitgood?

Town Attorney Ryan Knight spoke about there is a formal grievance filed.

Alan Earwood – 404 Sunset – Spoke about Robert has been nothing but professional and is always timely and cannot say enough about that.

Mayor Alison Dennington spoke about having a garage door permit and Robert Bitgood handled it and he was great. The issues are related to how the short term rental case was handled.

Commissioner Corey Runte spoke about the Mayor retaliating against Robert and everybody else who was involved in the illegal shed.

Commissioner Robert Baldwin spoke about speaking with contractors to see what they thought about the Building Official. They all respected him and said he was responsive and fair not that he was easy. Is very concerned. Is there legal liability based only on the letter that the Commission received? If the Commission does not jump at hiring an outside firm what is the best course of action? Asked about doing an internal investigation. A survey seems like a 360 review.

Town Attorney Ryan Knight spoke about the employee still works here, so he could file another grievance. The current letter is general. Other places have done an anonymous survey of 6-8 questions. He could draft some questions and submit them to the Commission to choose the questions.

Commissioner Corey Runte made a motion to decline current legal pursuit of this matter, but to proceed with an anonymous survey prepared by the Town Attorney to every single employee of the Town; Commissioner Marivi Walker seconded;

Steve Walters – 416 Sixth Ave – Spoke about them baiting the Mayor and they did the same thing to him. The job is to inquire and investigate. If they are going to survey the current employees they should question the 26 people that have been fired, resigned, or forced out in the last 5 years by the Town Manager.

Frank LaGrassa – 412 First Ave – Spoke about doing more than just surveying the employees because maybe the Mayor just wants to shape up the place. Maybe there was too much taking care of the employees. If the Mayor is requiring employees to work harder of course they are not going to like her.

Town Attorney Ryan Knight suggested the survey would be anonymous and not name anyone but just have questions about the work environment and ask about any concerns they might have.

Mayor Alison Dennington asked about including past employees, and there potentially being undue influence from current employees.

Town Attorney Ryan Knight spoke about not seeing any reason to survey people who are not currently employed, and the survey would be anonymous. If there is any interference then the employee should report that.

Motion carried 5-0.

- B. Consideration on holding a Town sponsored meet the candidate forum at Town Hall – Mayor Alison Dennington – 3:28:50

Mayor Alison Dennington spoke about receiving a request from a resident to host a candidate forum.

Vice Mayor Sherri Quarrie spoke about thinking it is an excellent idea, so she reached out to the Space Coast League of Women Voters which has done candidate forums before. They can commit to one of three days. Have the Town Clerk reach out to the Space Coast League of Women voters to set that up.

Commissioner Corey Runte spoke about being in favor of it as long as it is fair and equitable, the Commissioners do not attend, and the Town Manager coordinates it.

Jim Simmons – 409 Avenue B – Spoke about participating in them in the past and only about 5 people attended. Also, you had to submit your questions beforehand, so you were not able to ask questions after hearing the answers. Ask about being able to submit questions during the forum.

Vice Mayor Sherri Quarrie spoke about how the League of Women Voters can also explain general election amendments.

Commissioner Robert Baldwin spoke about how amendments can be confusing, so that might draw people in.

Mayor Alison Dennington spoke about the Commission staying out of it and allowing them to handle everything.

Commissioner Corey Runte made a motion to approve the Town-sponsored candidate forum with the three stipulations previously mentioned. One, no Commissioner or Mayor is allowed to be present at the event. Two, televised to the public audience via our software system. Three, it's coordinated by our Town Manager and Town Clerk with the Space Coast League of Women Voters; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Materials and information related to mental health awareness and suicide prevention – Mayor Alison Dennington – 3:39:34

Mayor Alison Dennington spoke about September is Suicide Prevention Month.

Recess 10:07 – 10:15

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 Robert Baldwin

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Deputy Police Chief Matthew Smith
Town Clerk Amber Brown

Mayor Alison Dennington spoke about this being her agenda item to get mental health awareness resources and materials out to the public. Many of the trainings are free. 22 veterans a day commit suicide, so if you know a veteran reach out to them and be kind.

Julie Samuels – 2320 S River Road – Spoke about this being a good topic and information and if the Commission would like the Parks Board to take it on and have an event they would be happy to.

Commissioner Corey Runte made a motion to approve proceeding with a mental health awareness event hosted by the Parks Board subject to further due diligence; Commissioner Marivi Walker seconded; Motion carried 5-0.

- D. Consideration on a formal investigation into a complaint received by Human Resources – Town Manager – 3:45:19

Mayor Alison Dennington spoke about this is from her after she heard Mr. Bitgood filed a grievance against her. She does not understand how you can file a grievance against someone who is not an employee. Would have filed a grievance against the Town Manager months ago related to the key fob issue. Asked the Town Attorney if he has reviewed the policy requiring Commissioners to receive a key fob.

Town Attorney Ryan Knight read Town Policy Section 10.02 that states a key fob will be assigned to each member of Town Hall staff, Commission members, and Volunteer Firefighters. The Chief of Police tracks all uses of the fobs and detects attempts to access unauthorized areas.

Mayor Alison Dennington spoke about watching everyone use key fobs back in August including Joyce Barton. She spoke with Chief Griswold and was told Commissioners do not get key fobs, so she asked who, when, and why the policy was changed. She has never received a reason or who changed the policy so they are violating the Town Policy. Filed a complaint with HR, and would like an investigation into that. When there is an

investigation, she would like to have answers on whether the policy is being violated by the Town Manager and the effect of that. The Town has policies and if the Manager does not follow them, then that is a liability. Would like an investigation into that in conjunction with the other investigation.

Commissioner Robert Baldwin asked what the current practice is.

Mayor Alison Dennington asked the Town Attorney if there is a liability in not following the policy and instead asked what's the current practice.

Town Attorney Ryan Knight spoke about the Town Commission has the authority to change and revise the policy if there is a vote. It is his understanding that prior to his tenure, the Police Chief said they would no longer allow fob access because of security issues. The Commission could authorize this to be looked into.

Commissioner Robert Baldwin asked if the new Police Chief has the same opinion.

Commissioner Corey Runte spoke about the Mayor wanting to spend taxpayer dollars on this investigation in retaliation against Robert's grievance. None of the Commissioners have them nor should they because that could be a liability will make a motion to amend the policy because there is no reason the Commission should have a fob. If the concern is to get mail, then put the mail up front.

Mayor Alison Dennington spoke about policies and procedures are important to follow. She does not want a fob. You do not just ignore a policy if it is not working. You come to the Commission with revised policies. Would like the Manager to form an informal internal committee to review the policies and then make recommendations to the Town Commission. This is not about getting a key fob it is about following the policies and procedures. Does not want policies and procedures that are not being followed, or are only followed for some people.

Town Manager Elizabeth Mascaro spoke about already working with the Town Attorney and reviewing other municipalities' policies and procedures to revise the current ones.

Town Attorney Ryan Knight spoke about sending sample policies to the Commission and asked if the Commission is okay with removing the Commissioner's key fob access.

Mayor Alison Dennington spoke about not wanting a key fob, so she would be okay with it.

Commissioner Corey Runte spoke about having zero interest in having an outside investigation done but is in favor of reviewing the policies and procedures.

Vice Mayor Sherri Quarrie spoke about the agenda item states discrimination against the Mayor. There are no mailboxes there is a letter holder sitting on a desk it is not a federal mailbox. You want the taxpayers to pay for an investigation because you believe that you are being withheld from your junk mail. You are threatening staff saying this is grounds for termination with cause.

Commissioner Marivi Walker read part of the complaint stating grounds for termination of the Manager for any criminal liability for obstruction of any kind and spoke about those being really harsh words.

Vice Mayor Sherri Quarrie spoke about the Mayor threatening the entire staff because she believes the rest of the Commission has key fobs.

Mayor Alison Dennington spoke about having a witness stating Commissioner Runte used his key fob.

Commissioner Corey Runte spoke about that being false that the Commissioners do not currently have fobs.

Mayor Alison Dennington spoke about believing there are several grounds upon which the Town Manager could be fired.

Vice Mayor Sherri Quarrie asked if that was toxic.

Town Attorney Ryan Knight spoke about how the Mayor can say what she wants to say, but speak one at a time.

Mayor Alison Dennington spoke about elected officials are for oversight. The Manager is there to run the day-to-day. Everyone has to follow policies and procedures including the Manager. There are policies and procedures that are only being followed when it is convenient. There were grievances being filed against the Town Manager and nothing was done. Would like to have a Commission take all grievances seriously.

Commissioner Corey Runte spoke about that being false that an employment attorney was involved. No one is going to vote for a taxpayer-funded lawsuit. We can review policies and procedures, have a mailbox, and not have fobs.

Vice Mayor Sherri Quarrie spoke about the previous grievances were taken to legal, addressed, and dismissed.

Mayor Alison Dennington spoke about the grievances were never retracted.

Steve Walters – 416 Sixth Ave – Spoke about the prior Town Hall building where Commissioners had key fobs to access the front door to the building and their mailbox and met with residents. The new Town Hall building used to have a Commission meeting room, but it is now the Town Clerk's office. The policy cannot be changed by the Police Chief. If it needs to be changed a Commissioner can put it on the agenda.

Jim Simmons – 409 Avenue B – Spoke about it would be prudent to change the policies, put the mailboxes in the front lobby, and allow Commissioners to access the front lobby. Guesses the policy changed because we never thought there would be a Mayor with 3 open lawsuits against the Town who could root through all of the files.

Julie Samuels – 2320 S River Rd – Spoke about how people stop listening because they do not like someone. Spoke about her experience with the Town Manager. She does only follow policies when she wants to. After she said something during a public meeting then she had additional roadblocks and hurdles she had to follow. Is all for the Boards having as many events as they want, but all should need to follow the same rules.

Town Manager Elizabeth Mascaro spoke about the EAB event was significantly smaller so they did not need to have police and porta potties. Whereas the Parks Board event was as big as Founders Day which is why those items were needed.

Christina Keshishian – 313 Hibiscus Trl – Spoke about previously being on the EAB and when the Town Manager attended the meetings she would be clerical with her requirements, and that is not a critique that is consistency.

Frank LaGrassa – 412 First Ave – Asked if the Commissioners have fobs. Maybe if the Mayor sues she will find something. She would be suing the Commission on behalf of the residents. Need transparency on employee salaries and benefits in dollars.

Commissioner Corey Runte spoke about the Commissioners did have key fobs, but they were asked to return them.

Anna Butler – 312 Avenue A – Spoke about how trust has eroded and no relationship can work without trust. Forgot about what is important. What is the master plan, are people being heard? This is really difficult to sit through. Is this irreparable? How are we going to figure this out to make sure the Town is the focus? This has got to stop.

Kate Wilborn – 502 Second Ave – Spoke about there being a lot of fighting, hopes Robert Baldwin does not just follow along with things. We need to see transparency, and fairness, and to protect the Town. Look at what is in the Town's best interest.

Commissioner Corey Runte made a motion to decline any sort of investigation whatsoever legally via lawsuit or whatever it may be, and would approve reviewing an updated set of policies and procedures; Commissioner Marivi Walker seconded; Motion carried 5-0.

Commissioner Robert Baldwin spoke about how the way things are worded can blow things out of proportion. If there is a policy not being followed, let's talk about it.

Mayor Alison Dennington spoke understanding if you had walked in her shoes.

Commissioner Robert Baldwin spoke about one task on the dais is not letting all of the other things affect the current item.

Commissioner Corey Runte spoke about how we have got to move past the settled lawsuits and move forward including himself. The Mayor did not need to threaten a lawsuit to get this done. We have got to move on and work together. Thinks the Mayor is receiving bad information from a few residents who want turmoil.

Mayor Alison Dennington spoke about having Commissioner Corey Runte take his own advice.

E. Consideration on a private provider for the Building Official – Town Manager Elizabeth Mascaro – 4:34:44

Town Manager Elizabeth Mascaro spoke about the Building Official leaving and the Town is required to have a building official. The Town is currently advertising for a new building official, but until that happens the Town has to have a building official. The Town currently has a contract with Veritas to fill in when the Building Official is on vacation, but they have not been able to fill in yet. Received a quote from Universal, and asked for a quote from SAFEbuilt but we have not received anything back.

Mayor Alison Dennington spoke about how she would have liked to immediately receive an email and schedule a meeting. Would like to bid it, but can fill the emergency with someone.

Town Manager Elizabeth Mascaro spoke about how it would be best to have an employee instead of contracting it out because they typically do not care about the Town and only come three days a week, but in the meantime, this would fill the gap.

Mayor Alison Dennington asked about how long the job posting will be posted.

Town Manager Elizabeth Mascaro spoke about the position being posted now, but the responses are people thinking they are licensed because they have a driver's license.

Commissioner Robert Baldwin asked what the contracted date would be.

Town Manager Elizabeth Mascaro spoke about the contract would require a 30-day notice.

Vice Mayor Sherri Quarrie asked how to keep the Building Department in the black if the contractor would be working fewer hours.

Town Manager Elizabeth Mascaro spoke about the Building Official would no longer be reviewing plans, so all plans would go to the Town Planner and the Planning and Zoning Board like they used to.

Commissioner Corey Runte spoke about the Town has to do this no matter what, but could set a time frame of not to exceed 4 months and review it then.

Mayor Alison Dennington asked the Town Attorney Ryan Knight what would happen if the Town had to continue to renew the contract over and over.

Commissioner Corey Runte spoke about not bidding private provider contractor work.

Commissioner Marivi Walker spoke about in theory the contractor could be the Building Official for the Town forever and that would not be in violation of anything.

Mark Formica – 215 Birch Ave – Asked why did it take so long to do this.

Commissioner Corey Runte spoke about everything has to be voted on by the Commission.

Frank LaGrassa – 412 First Ave – Spoke about being a supporter of the Mayor, and believing Commissioner Corey Runte’s words as he sounded sincere.

Commissioner Corey Runte made a motion to approve private provider for building official not to exceed four months based on the information presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

The Commission decided Consent Agenda Items A through I which were moved to New Business Items G through O will be tabled to the next meeting.

- F. Consideration on changing the date for the October Regular Town Commission Meeting – Town Clerk Amber Brown- 4:49:37

Town Manager Elizabeth Mascaro spoke about the Town Clerk will be away at a clerk conference when the October Regular Commission Meeting is scheduled.

Commissioner Corey Runte spoke about tentatively pushing the meeting to October 23rd.

- G. Approval of the Special Town Commission Meeting final minutes September 6, 2024

Tabled to the next meeting

- H. Approval of the Special Town Commission Meeting – Tentative Budget Hearing final minutes September 6, 2024

Tabled to the next meeting

- I. Approval of the Town Commission Workshop final minutes August 27, 2024

Tabled to the next meeting

- J. Approval of the Town Commission Workshop final minutes August 22, 2024

Tabled to the next meeting

- K. Approval of the Special Town Commission Meeting final minutes August 21, 2024

Tabled to the next meeting

- L. Approval of the Regular Town Commission Meeting action minutes August 21, 2024

Tabled to the next meeting

M. Approval of the Town Commission Workshop final minutes July 3, 2024

Tabled to the next meeting

N. Approval of the Town Commission Workshop final minutes June 18, 2024

Tabled to the next meeting

O. Approval of the Regular Town Commission Meeting final minutes May 15, 2024

Tabled to the next meeting

13. Administrative Reports

A. Town Attorney – 4:52:00

1) Outline of the code enforcement process

Tim Reed - 302 Fourth – Spoke about the memo using the word reasonable which is vague. There should be a table to provide a guide because subjective is not good.

Town Attorney Ryan Knight spoke about it being vague because the time depends on the type of violation. Reasonable is up to the Code Enforcement Officer.

B. Town Manager – 4:55:16

Town Manager Elizabeth Mascaro spoke about the curb work on Riverside will begin next week.

14. Commission Reports

15. Task List

16. Public Comment

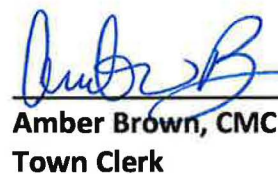
17. Adjournment

Commissioner Robert Baldwin moved to adjourn; Commissioner Marivi Walker seconded, Motion carried 5-0.

Meeting adjourned at 11:30 p.m.


Alison Dennington
Mayor

ATTEST:


Amber Brown, CMC
Town Clerk

