

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING October 23, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Marivi Walker

Commissioner Robert Baldwin

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 6:27 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Marivi Walker

Commissioner Robert Baldwin

Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

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 – 1:50

Mayor Alison Dennington said that the three candidates that applied for the Commissioner position submitted their paperwork by today.

Town Clerk Amber Brown mentioned there were typo corrections for two sets of minutes.

Mayor Alison Dennington spoke about the League of Mayors essay contest that they have every year for 6th, 7th, and 8th graders.

Town Attorney Ryan Knight spoke about how Agenda Item 6A should be moved down to New Business.

Mayor Alison Dennington passed the gavel.

Mayor Alison Dennington made a motion to move item 6A to New Business Item F; Commissioner Robert Baldwin seconded; Motion carried 4-0.

5. Consent Agenda – 7:00

- ~~A. Approval of the Regular Town Commission Meeting minutes June 19, 2024~~
- ~~B. Approval of the Regular Town Commission Meeting minutes July 17, 2024~~
- C. Approval of the Town Commission Workshop minutes August 7, 2024
- D. Approval of the Special Town Commission Meeting minutes September 17, 2024
- E. Approval of the Special Town Commission Meeting minutes September 18, 2024
- ~~F. Approval of the Regular Town Commission Meeting minutes September 18, 2024~~

Mayor Alison Dennington spoke about pulling item A, B, and F off the consent agenda. Is fine with C, D, and E.

Consent Agenda Items A, B, and F were moved to New Business Items G, H, and I.

Commissioner Marivi Walker made a motion to approve items C, D, and E on the consent agenda, Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

~~6. Proclamations/Presentations/Awards – Moved to New Business Item F~~

- ~~A. Consideration on Resolution 2024 10 – Censuring Mayor Alison Dennington – Vice Mayor Sherri Quarrie~~

~~**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CENSURING MAYOR ALISON DENNINGTON FOR ACTIONS AND BEHAVIOR UNBECOMING OF AN ELECTED OFFICIAL; PROVIDING FOR AN EFFECTIVE DATE.**~~

7. Finance/Budget Report – 9:50

Mayor Alison Dennington spoke about this being the last closing month for last fiscal year.

Town Manager Elizabeth Mascaro spoke about how there will be budget amendments through November, or any final invoices, but this is the last major one.

Vice Mayor Sherri Quarrie spoke about legal being over budget, and the past couple of months have been almost double. Asked Town Attorney Ryan Knight what is that attributed to. Also asked who Brock Magruder and Claudia Pastorius are. Asked about Ms. Harris and said she was paid \$15,000 and \$1,600 on top of that.

Town Attorney Ryan Knight spoke about how the costs are out of the ordinary to what they normally would be and that has to do with short term rentals mostly, and vacancies. Said that Brock Magruder is the Mayor's individual attorney, and Claudia Pastorius is the Mayor's counsel for the shed case. Said he spoke with Ms. Harris about an appellate case regarding settlement to come to a resolution.

Vice Mayor Sherri Quarrie spoke about other than legal, everything is around 82%. Parking fees are down from 2023. Said that money is used for the parks and the new police officer.

Mayor Alison Dennington mentioned to keep the issue of parking fees going down in mind when considering dropping the guest pass prices. Also spoke about wanting comp time information. Spoke with the Town Attorney and the auditors about it.

Town Attorney Ryan Knight said it has not been resolved yet, but he did speak with Finance Manager Jennifer Kerr about it, who gave him someone to contact.

Town Manager Elizabeth Mascaro spoke about how the policy has not changed. If an employee has hit the max, but they have vacation scheduled in the next couple of weeks then they are allowed to spend it.

Mayor Alison Dennington asked if the policy has been or is being amended to allow for some discretion.

Commissioner Marivi Walker made a motion to approve the budget as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

8. Department and Board/Committee Reports

A. Public Works Department – 23:25

Vice Mayor Sherri Quarrie asked if there had been a date set for the camera review for the tree streets that had an issue.

Town Manager Elizabeth Mascaro spoke about meeting with the Town Engineer to start the process to cam two areas.

Vice Mayor Sherri Quarrie asked to post online the date when the pipes are going to be camed.

Commissioner Marivi Walker asked if there is any recourse and if there are any issues with the work that was originally done on Cherry.

Town Manager Elizabeth Mascaro spoke about how she would have to get the Town Attorney's opinion, but the work was done over 10 years ago so she doubts it.

Town Attorney Ryan Knight said there is a construction repose of 7 years.

Mayor Alison Dennington mentioned possibly keeping a list of any materials used in case there was a recall. One suggestion is when there are new projects to get a list of all of the products used as part of the final. Could Tom include it on his report anytime he does the baffle boxes?

Town Manager Elizabeth Mascaro said before every storm every baffle box is cleaned.

Mayor Alison Dennington asked about the free-flowing well on Banyan Way.

Town Manager Elizabeth Mascaro said St. Johns capped it.

B. Building Department – 29:20

Mayor Alison Dennington asked what the address for the vacation rental inspection was, and asked for an update on adding more categories to the reports. Suggested leaving the code officer position open to part-time or full-time.

Town Manager Elizabeth Mascaro spoke about it being from 322 Hibiscus, the categories have been added and next month the report will have more details, the current code officer has put in his notice due to personal issues that have come up, no one has applied for the added part-time position, so now it can be advertised as a full-time position to see if people will apply.

C. Code Enforcement – 35:30

No additions.

D. Fire Department – 35:40

Mayor Alison Dennington spoke about going to the Haunted House and said it was amazing. Thanked the Fire Department.

Town Manager Elizabeth Mascaro said there would be more details about the hurricane next month but that there were two down power lines and that the Fire Department stood guard and commended how they handled the situation.

E. Police Department – 38:55

Vice Mayor Sherri Quarrie expressed her concern for encountering three firearms during traffic stops and has not seen that in a report before. Asked about having the police keep an eye on dark tint on the windows.

Town Manager Elizabeth Mascaro said it is not normally reported and she has now requested to have that reported. Said the officers are trained to notice the dark tint, but can ask them how they handle that.

Mayor Alison Dennington asked about including more details for gun issues, was curious if the guns were registered or not to which the Town Manager said she did not know.

Commissioner Marivi Walker said she believes things need to be reported, but asked if they could only include bad gun issues, and not include legal transporting of guns.

Town Manager Elizabeth Mascaro said they currently have four volunteers.

Mayor Alison Dennington spoke about doing something at the end of the year as a thank you to the volunteers.

F. Town Clerk – 43:55

Mayor Alison Dennington said the scanning project is complete but there was no date about when that would be on the website.

Town Clerk Amber Brown said she was prioritizing the minutes and could not give an estimated date for that project.

Mayor Alison Dennington spoke about hiring someone part time to assist the Town Clerk even for a couple weeks.

Town Manager Elizabeth Mascaro said she could meet with the Town Clerk but part of the issue was the website was not working.

Vice Mayor Sherri Quarrie pointed out that there is an election coming up so that will be taking up a lot of people's time.

Town Clerk Amber Brown said no one can know how long the scanning project will take.

Commissioner Robert Baldwin got clarification that everything would have to be uploaded at once, it cannot be uploaded in different sections.

Mayor Alison Dennington asked the Town Clerk about how extensive the training was for the scanning program and suggested maybe training Cyd or the Finance Clerk on it.

Town Manager Elizabeth Mascaro suggested using an intern to do the upload.

Town Clerk Amber Brown mentioned that the new website is not complete but she did not want to pay for two websites for a year, so she had to have the new website go live before October 1st. Said there is a disclaimer saying it is under construction.

Mayor Alison Dennington said if you want alerts, you must sign up on the new website.

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

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.

Dawn Barlow – Parks Board Chairperson – *Thanked the Town for the fall festival. The Parks Board's next event is Veterans Day on November 11th. Spoke about speaking with Joyce Barton about the water feature and she spoke with some of the Garden Club members and they mentioned they might be interested in a paved pathway. Looking at focusing on playground equipment in the coming months.*

Todd Albert – 1710 Pine St – *Asked where things were at with the building height issue. Suggested giving it to P&Z.*

Town Attorney Ryan Knight spoke about not having it on his list, but he can add it as a priority.

Commissioner Marivi Walker made a motion to request that the Town Manager request P&Z look at the fill and height of the buildings; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

Frank LaGrassa – 412 First Ave – *Asked if the Town has looked at hiring 4 firemen.*

Mayor Alison Dennington said it had been discussed, but the Fire Chief said it does not need to be done now but may need to in the future. The reason has to do with changes in State Legislation and current firefighters retiring.

Commissioner Marivi Walker mentioned a grant being available so the cost would not be on the Town.

Town Manager Elizabeth Mascaro said that several years ago when the stipend was discussed, you could pay the volunteers to stay, go to the county or go to a paid fire service.

Lauren Hardman – 320 Second Ave – *More police patrols need to be done. The development down south has quadrupled and a lot of them are rentals. There is no way 2 officers, especially when they need time off, will be able to cover the whole Town with all of the commercial vehicles going down south. Transparency is a buzzword and it can't be any clearer. Asked if the Mayor wants to dissolve the Fire Department, Police Department, and fire the staff and Town Manager.*

Mayor Alison Dennington said she did not want to fire anyone or dissolve departments.

Steve Walters – 416 Sixth Ave – *Spoke about how the Fire Department was discussed similar to Malabar, one option was a fire tax, go back to the minutes, they discussed up to 4 firemen full time. Has no issue with the Fire Chief or Fire Department.*

Mayor Alison Dennington said that the Fire Chief provided information about the marine expenses.

10. Public Hearings/Special Orders

11. Unfinished Business

- A. Consideration on filling the Town Commission seat vacated by Commissioner Corey Runte – 1:13:45

Vice Mayor Sherri Quarrie spoke about being surprised by the questions to the new applicant and pleasantly surprised by the answers. Feels confident there will be no collusion. Is thrilled with Dawn being on the Parks Board and would hate to lose her on that Board. Likes Bruce Larson and he has done a remarkable job with what he has done for short term rentals, hopes he stays active in that. Likes the freshness of Will so that is her recommendation.

Commissioner Marivi Walker spoke about liking the freshness of Will. Does not think just because you have not been to the meetings does not mean you cannot serve. Likes Will's background.

Commissioner Robert Baldwin spoke about how all three candidates would make good Commissioners. Agrees with the Mayor that P&Z could make a good fit for Will if he was willing to consider that. Appreciates Bruce Larson's work with short term rentals. Worked with Dawn at Harris and has a lot of respect for her. Appreciates all three candidates.

Mayor Alison Dennington spoke about how this should be a special election. Will would be great on P&Z and he is very busy with his job and family. Thinks Dawn and Bruce would make a better option.

Tina Coppock – Avenue B – Spoke about how there is a candidate that has experience with stormwater and building issues, which are topics that have been brought up. Believes this would be valuable and mentioned that there has never been a requirement to serve on a board before running for office.

Steve Walters – 416 Sixth Ave – Spoke about picking Dawn Barlow or Bruce Larson. Would like to see Will get on a Town Board to learn government. To serve the Town best would be someone who understands Town Government.

Bryan Troy – 509 Hibiscus – Spoke about finding it peculiar how many times the Mayor asked Will how many meetings he has been to. Asked if there is a requirement to attend the meetings to run for the Commission. Does not think the fact that Will is a builder is a conflict of interest, believes it would be a benefit to the Town.

Mayor Alison Dennington said before running for Mayor she attended meetings for three years. Said there is no requirement for running for the Commission.

Gabor Kishegyi – Surf Rd – Spoke about it doesn't seem right to appoint someone who did not apply the first time.

Jennifer Ottomanelli – 510 Avenue A – Spoke about how Dawn Barlow has impressed her over the years.

Frank LaGrassa – 412 First Ave – A good test is to ask if the candidates have the courage to stand up. Supports Bruce Larson, who believes in a budget that is easy to read, a budget that has total employee compensation.

Tina Bove – 216 Ash Ave – Spoke about already going through this process. You have candidates who applied last time and had a lot of support. The previous candidates are overlooked for new candidates. Stop pretending, residents have asked for a special election. No one is innocent in the division of the Town.

Will Brunosson – 217 Fifth Ave – Spoke about all three candidates would be a good fit. Having someone who can see the problem at hand is the important part. People are frustrated with the division in the Town and it is unnecessary. Regardless of who wins, it will be in a good direction for everyone.

Lauren Hardman – 320 Sixth Ave – Spoke about Robert's Rules of Order. Study it and would like the Commission to follow it.

Vice Mayor Sherri Quarrie made a motion for Carl Will Brunosson for appointment to the vacant Commission seat; Commissioner Marivi Walker seconded; Motion failed 2-2 with Mayor Alison Dennington and Commissioner Robert Baldwin dissenting.

Commissioner Robert Baldwin made a motion to appoint Dawn Barlow to replace Corey Runte as the Commissioner at large; Commissioner Marivi Walker seconded; Motion carried 4-0.

Town Clerk Amber Brown administered the Oath of Office for Commissioner Dawn Barlow

Recess 8:07pm – 8:19pm

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Marivi Walker
Commissioner Robert Baldwin
Commissioner Dawn Barlow

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Town Clerk Amber Brown

- B. Approval of the Special Town Commission Meeting final minutes September 6, 2024 – 1:54:00

Vice Mayor Sherri Quarrie spoke about approving Unfinished Business Items B through Unfinished Business Item J; Commissioner Marivi Walker seconded; Motion carried 5-0.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

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

Approved as part of the motion from Unfinished Business Item 11B.

- K. Consideration to offer reduced pricing on non-resident parking passes – Town Manager Elizabeth Mascaro – 1:57:30

Town Manager Elizabeth Mascaro spoke about the loss of revenue due to bad weather in the Spring. That is usually a time for high parking revenue, but there was a lot of rain which means they have been behind on revenue projections since then. As far as the passes go, there are many left. If sold at a reduced rate, it would cover the cost of producing those passes. Doesn't know if charging \$25 for a pass or \$2.50 to park would make much difference.

Mayor Alison Dennington spoke about how originally there weren't any guest parking passes. When it got brought up, it was supposed to be a limited number, first come first served. Says personal preference would be to have a small number, but if that does not

cover the cost then we could just do away with them altogether. Says resident and guest passes look similar.

Town Manager Elizabeth Mascaro said resident passes have an R, guest passes have a G.

Vice Mayor Sherri Quarrie asked how much the guest passes are. Also asked how many have sold and have we paid for the guest passes that have been printed. Would recommend sticking with the original price.

Town Manager Elizabeth Mascaro said a guest pass is \$100. Said 33 have been sold and that has paid for the printing costs. Said in January, the sticker will look different.

Commissioner Marivi Walker spoke about being against it.

Commissioner Robert Baldwin spoke about being in favor of two tiers of pricing.

Commissioner Dawn Barlow spoke about going with a two-tier approach.

Tina Coppock – Avenue B – Spoke about not thinking the Town should have to renew them every year. There is a lot of administrative work and cost that goes into this. Maybe change it to every two or so years. Doesn't want to have to renew it every year.

Ted Funkhouser – 509 Banyan Way – Spoke about not being in favor of having to renew it every year. It's a cost that the Town does not have to have.

Commissioner Robert Baldwin asked about having a yearly guest pass but having resident stickers longer.

Town Manager Elizabeth Mascaro mentioned that is how it used to be, but it ended up being more administrative work because people sell their cars with the stickers or move away, but still have the sticker.

Mayor Alison Dennington spoke about it being a pain but if people move, they could still use their resident sticker for as long as it is good for and that takes away from the current residents.

Town Manager Elizabeth Mascaro said there is no limit to the number of passes, just has to be the amount of cars registered to the address.

Lauren Hardman – 320 Sixth Ave – Spoke about those that are renting their homes are being taped on, so they are not being used how they should be. Food for thought.

Failed for a lack of motion.

- L. Consideration on the lifeguard contract for the 2025 season – Town Manager Elizabeth Mascaro – 2:10:55

Town Manager Elizabeth Mascaro spoke about how this has been brought to the Commission two other times. Options are a seasonal lifeguard or full time lifeguard in Ocean Park. The County Commission came back with an offer asking for \$21,583.45 for a seasonal lifeguard. This current year, the Town paid \$20,729.40 so this would be an increase of \$854.05. This would cover 2 seasonal lifeguards.

Mayor Alison Dennington spoke about appreciating the County coming back with this offer, wants to pinch pennies, but feels the County has really worked to come back with a better offer. Feels the need to compromise. Asked why this cost has come down so significantly.

Town Manager Elizabeth Mascaro said they brought it back down to around what the Town has always paid.

Commissioner Dawn Barlow asked if this was part of the budget.

Town Manager Elizabeth Mascaro spoke about it not being budgeted, but there is money that will be rolled into this year that will cover the cost.

Gail Gowdy – 215 Ash Ave – Spoke about how it is good to have a lifeguard.

Lauren Hardman – 320 Sixth Ave – Said it is a fantastic idea, and it is not so much our residents, but the visitors to the area.

Town Manager Elizabeth Mascaro said this would be for a seasonal lifeguard. Starts the week of spring break (Feb/March) and then in April it starts on weekends. In May, once school gets out it is every day through when they go back to school in August. And then it is weekends again through the end of October.

Mayor Alison Dennington asked how we can get a lifeguard training program on the south end of the county.

Commissioner Marivi Walker made a motion to approve the lifeguard contract for 2025 as presented; Commissioner Dawn Barlow seconded; Motion carried 5-0.

12. New Business

A. Consideration on selling old used street signs – Town Manager Elizabeth Mascaro - 2:20:00

Town Manager Elizabeth Mascaro spoke about the Town having a lot of signs and said they could sell them or auction them off at Founder's Day. Said these are damaged signs.

Mayor Alison Dennington spoke about auctioning off the signs and splitting the money between the boards.

Vice Mayor Sherri Quarrie asked how much to charge.

Mayor Alison Dennington spoke about doing an auction for them.

Commissioner Robert Baldwin asked if it would be an online auction and asked if the signs are normally scrapped and the Town gets the cost of the metal.

Town Manager Elizabeth Mascaro said it could be an auction during Founder's Day and assumes they just get the cost of the metal for the signs but does not know.

Ted Funkhouser – 509 Banyan Way – Spoke about the street sign at South Palm and Banyan Way only has one bulb and is banging around and going to fall.

Commissioner Dawn Barlow made a motion that we consider the sale of old used street signs for the benefit of the Town and split the money between the Town Boards; Commissioner Marivi Walker seconded; Motion carried 5-0.

- B. Consideration on scheduling ongoing stormwater runoff workshops – Commissioner Marivi Walker - 2:24:50

Commissioner Marivi Walker spoke about how this idea came about from hearing that residents are asking questions about whether or not there is a plan, what is the cost, how is money being raised, taxes, grants, etc. Believes monthly workshops where people bring their ideas would help there be awareness among the residents.

Mayor Alison Dennington spoke about her original thought was to schedule workshops by basin and prioritize the critical areas. Mentioned wanting to get the Town Engineer involved.

Town Manager Elizabeth Mascaro spoke about meeting with the Town Engineer and they will have the drawings for basin 1 done by the end of the year. The guesstimate is \$4.2 million, and then the project on Cedar will be done. There is about \$1.5 million so far.

Mayor Alison Dennington spoke about wanting a monthly report for stormwater by basin.

Town Manager Elizabeth Mascaro spoke about how Cherry and Cedar would be prioritized over South Palm because houses were jeopardized due to flooding, whereas South Palm there was a lot of flooding, but no houses were in jeopardy.

Mayor Alison Dennington spoke about getting a monthly report and scheduling the meetings, but they do not have to be Commission meetings.

Lauren Hardman – 320 Sixth Ave – Spoke about obviously we do not have the funds and we are wanting to bring the millage down. We are trying to catch something that can never be caught. When we have large ticket items, you can't keep bringing millage down and taxes down and then not have the money to get this done.

Commissioner Dawn Barlow made a motion that the Town Manager take the steps to schedule meetings around stormwater runoff, they can be non-Town Commission workshops; Commissioner Robert Baldwin seconded; Motion passed 5-0.

C. Discuss proposed Vacation Rental Ordinance changes – Town Attorney Ryan Knight - 2:36:20

Town Attorney Ryan Knight said that this is a proposal for changes to the short term rental ordinance that was based on the workshop and comments. The idea is to understand if the Commission does or does not like the provision, and what they would want to see changed. Is essentially seeking direction to draft the ordinance for a first reading.

Mayor Alison Dennington spoke about page 207 transient public lodging establishments and how it seems like you can rely on an advertisement to say they are in violation.

Town Attorney Ryan Knight spoke about how the Special Magistrate cannot write an order based solely on an advertisement. There would need to be additional evidence. Look at it from a code enforcement lens, not just from the code.

Mayor Alison Dennington spoke about how you can ask the person under oath if they advertised the rental, and unless they lie they would say yes. That is enough to prove they are in violation.

Town Attorney Ryan Knight spoke about going through the booking process and that being something to show other than just an advertisement.

Commissioner Robert Baldwin asked if they send letters to units rented who are not registered that say they are on notice and the Town knows what they're doing.

Town Attorney Ryan Knight said there are letters that are sent out that usually say the person would have 14 days to comply and then if they still have not complied they would be issued a notice to come before the Special Magistrate.

Mayor Alison Dennington wants to know what legal extent the Town can go to. Asked if advertising when you are not registered is a violation.

Town Attorney Ryan Knight said the advertisement itself would not be sufficient.

Town Attorney Ryan Knight spoke about the changes. – 2:44:15

- Page 210 – Every day of operation shall constitute a separate violation
- Page 213 – Obtain a photo ID for every occupant who is 18 years of age or older prior to check-in.
- Page 215 – Limiting the maximum occupancy to 8.
- Page 216 – Related to parking limited to 3 vehicles.
- Page 217 – Noise regulations, if there is something that is clearly audible they could be potentially cited or brought to the Special Magistrate.
- Page 219 – Registration suspension.

Commissioner Robert Baldwin asked how the days would be calculated. Would it be only days it is occupied.

Town Attorney Ryan Knight said it would be every day after they have been found in violation whether it is occupied or not.

Mayor Alison Dennington clarified that owner occupied homes are exempt, but that the language could be changed to take away the owner occupied exemption.

Commissioner Marivi Walker mentioned not all sites collect photo IDs. Can we require everyone to provide an ID? For large homes with 6 bedrooms, is there anything they can do to come after the Town when they can only have 8 occupants?

Town Attorney Ryan Knight said any stays on the books would not be affected but anything new coming in would have to abide by the 8-person max occupancy. If it is in the Town Code they would not be successful objecting to it.

Mayor Alison Dennington spoke about wanting vehicles to only be parked in the driveway.

Commissioner Robert Baldwin spoke about how there already has to be a plan posted in each rental where parking spots are identified. Is that up to the owner/host where the official parking is?

Town Attorney Ryan Knight said section 74-38 says they must be parked in a driveway, there shall be no sidewalk, on-street, right-of-way or grass parking.

Mayor Alison Dennington clarified that if there are multiple cars parked on the street at a rental, the police could be called and give tickets or the owner could get a violation.

Commissioner Marivi Walker asked if anything was added to prevent exterior speakers.

Town Attorney Ryan Knight said there is nothing to prevent putting up equipment, but that the short term rentals would be subject to following the noise ordinance regulations and the clearly audible standard. If property is classified as a noise nuisance property by the Special Magistrate, then they would have a fee and on top of that they would charge an additional \$500 fee and let the occupant know that will be charged if there is a noise complaint. If there are 3 noise violations over a period of 12 months, the Special Magistrate could classify the property as a noise nuisance property.

Commissioner Robert Baldwin clarified that the clearly audible violation applies to anytime of the day. If a neighbor can hear noise inside their home, it does not matter the time. Said that if the owner did not collect the \$500, they would still have to pay the fine.

Town Manager Elizabeth Mascaro asked if the Town could collect the \$500.

Town Attorney Ryan Knight spoke about how it would still have to go to the Special Magistrate, and part of it is to put the owner on notice.

Vice Mayor Sherri Quarrie asked if there is more than one violation can the \$500 escalate?

Town Attorney Ryan Knight spoke about that could be considered a repeat offender and the Special Magistrate could impose additional fines. Florida Statute has Code Enforcement Fines.

Mayor Alison Dennington spoke about the provisions in the Statute that can enhance the violation. Can our registration process include the name they advertise the property as?

Town Attorney Ryan Knight spoke about how that can be included in the application. The violations would be attached to the property, not the owner.

Lauren Hardman – 320 Sixth Ave (3:14:40) – Spoke about having a concern with sex offenders. How do you incorporate that in this? It is the owner's responsibility to check for sex offenders. There are loopholes. Recommends getting things in writing.

Commissioner Marivi Walker spoke about how she spoke with someone from Airbnb, and they said when IDs are uploaded to Airbnb and VRBO, they are checking those IDs for felons which includes sexual predators. Felons aren't allowed to rent on those sites.

Commissioner Robert Baldwin asked about multiple adults as guests, are we requiring background checks for everyone?

Mayor Alison Dennington said FL State Law requires background checks for anyone that stays there, and Airbnb says on their website that they are not responsible for doing background checks.

Mark McBride - 310 Second Ave – Spoke about how Airbnb does not require you to provide all of the names of the occupants. Clarified that the parking restrictions would include all vehicles, guests and occupants. Can you enforce the \$500 deposit?

Town Attorney Ryan Knight spoke about if the property is deemed as a noise nuisance property, then the rental would have to communicate that to guests.

Mark Codgen – 102 Oak St - Spoke about just going through an 11 month litigation. One question to pose is have you engaged any of the local hosts? Encourage room for dialogue on the front end to avoid issues in the future.

Mayor Alison Dennington spoke about scheduling a workshop to discuss with hosts. Asked if anyone is in favor of repealing the owner occupied exemption.

Commissioner Marivi Walker spoke about not being ready to repeal it yet because there is something about owner occupied that is very different.

Commissioner Dawn Barlow asked what percentage of rentals are owner occupied and how have other municipalities dealt with owner occupied vs full home rentals?

Town Attorney Ryan Knight said most Towns do have owner occupied exemptions.

Ken Lebrato – Cherry Drive – Page 215, was not a change but addressed that the grandfather clause is for ten years, believes that is too long. Page 217, noise, why does it only apply to RS1, single family, why not RS2, RS3? Page 220 item B, time for multiple violations. The last violation regarding short term rentals took two years to come to the Special Magistrate. Suggested adding that a violation must be heard by the Special Magistrate within a short period of time.

Commissioner Robert Baldwin spoke about if you can point back to the notice of violation.

Town Attorney Ryan Knight said that an order can contain several different violations.

Mayor Alison Dennington said the Commission could set a policy that says to bring a hearing within a certain period of time. The Town Manager is the department head of Code Enforcement. Can we put a disclaimer that says that this ordinance in no way changes prior ordinances that have been lawfully passed?

Town Attorney Ryan Knight said it would have to be a Code Enforcement policy and that it would be unnecessary to have something in writing every 30 days with the other changes in place. The issue of RS1, cannot include others. Technically could put in that disclaimer but does not see the point.

D. Discuss proposed Noise Ordinance changes – Town Attorney Ryan Knight - 3:41:00

Town Attorney Ryan Knight said that this was in regards to the noise control device that would allow the police to have data. Plans on including an exemption for generators.

E. Consideration on Resolution 2024-11 – Vacation Rental Fee Schedule – Town Attorney Ryan Knight - 3:42:25

TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FEE SCHEDULE FOR VACATION RENTAL REGISTRATION, RENEWAL OF VACATION RENTAL REGISTRATION, INITIAL AND ANNUAL INSPECTION FEES, AND LATE FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Ryan Knight said he needs to know if the Commission would like to increase the fees or keep them as they are. Said that \$850-1,000 is on the more expensive side for the state of Florida, most are around \$500.

Commissioner Marivi Walker asked about fees around the State and would this make more people not want to register.

Vice Mayor Sherri Quarrie spoke about how these people are making a lot of money. They can afford it.

Commissioner Dawn Barlow spoke about the fees will probably be passed onto the renter.

Tim Reed – 302 Fourth Ave – Spoke about being glad to see the fees increase. Why do we need to follow and be like the others? Go higher on the fees. This is an opportunity to raise and be tough on the fees.

Mayor Alison Dennington spoke about how a concern is if the fees are too high, then the legislature might come down on that as well.

Commissioner Robert Baldwin made a motion that we accept the vacation rental fee schedule as presented with the corrected higher fees; Commissioner Dawn Barlow seconded; Motion carried 5-0.

- F. Originally Proclamations/Presentations/Awards Item A - Consideration on Resolution 2024-10 – Censuring Mayor Alison Dennington – Vice Mayor Sherri Quarrie – 3:49:40
A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CENSURING MAYOR ALISON DENNINGTON FOR ACTIONS AND BEHAVIOR UNBECOMING OF AN ELECTED OFFICIAL; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Sherri Quarrie spoke about being disappointed with how recent meetings were run. The Mayor's inability to hold herself in a higher manner. Censure is not silencing someone's ability to talk. The reason for this is for things to improve. This is the most professional way to get professional conduct and have the meetings run shorter. Went through the minutes and videos and documented the ways to improve the meetings.

Town Attorney Ryan Knight read Resolution 2024-10. - 3:53:40

Mayor Alison Dennington asked the Town Attorney if he had drafted it, would he have done anything differently?

Town Attorney Ryan Knight said dates could be included.

Mayor Alison Dennington asked Vice Mayor Sherri Quarrie what was the section about medical issues.

Vice Mayor Sherri Quarrie spoke about a medical issue with her hearing and the Mayor made comments about it not being true.

Mayor Alison Dennington spoke about the Vice Mayor wanting to censure her for things she is allowed to do. She is allowed to pull items from the Consent Agenda, and ask for information. She has not done anything wrong to ask for information.

Town Attorney Ryan Knight said that one person is allowed to pull items from the consent agenda. Read section 3.03B, so there is an exception for inquiries and investigations.

Mayor Alison Dennington said if the Vice Mayor does not like the way she has gone about things that's one thing, but she is doing things she's allowed to do.

Vice Mayor Sherri Quarrie spoke about how the Mayor has requested individual staff for reports from the dais. It needs to come from the Commission, not from an individual. This

evening the Mayor constantly argued with the Town Attorney. It is a waste of time and it does not follow the guidelines. It's not about what Corey Runte did that was out of order. Wants the Mayor to do better and follow the rules, because this was happening the Mayor held a better meeting tonight. This is a polite way for the Mayor to grow.

Mayor Alison Dennington spoke about how what one person thinks is arguing is her asking for clarification. This is a very subjective non specific attack.

Mark Formica – 215 Birch – Spoke about a lot of people in this Town elected the Mayor for a reason, to offer as much transparency as possible. Found out there are special meetings. It is getting better. The bullying with the Mayor is so obvious and disgusting. Today was better. When people gang up on you, it is hard to function and not be combative. The timing of this is bad. The last meeting was orchestrated. Wants the Mayor to be fiscally responsible and act as a CEO and ask questions. He recommends dropping this.

Pat Reilly - 1985 Howell Lane – Town of Malabar Mayor, grew up in Satellite Beach and has a lot of friends in Melbourne Beach who are concerned. Has been going to meetings for 57 years and has never seen such bad meetings, after attending a meeting he met with the Mayor, and the following meetings were not improved, the Mayor's function is to facilitate the meeting not be a dictator and speak 99% of the time, the Mayor is just one vote. All of the Mayors he has spoken with would recommend approving this resolution.

Steve Walters – 416 Sixth Ave – Spoke about how people tried to do it to him. It doesn't matter because of First Amendment rights. Happy there is finally someone up there doing oversight. Corey Runte interrupted the mayor 26 times in one meeting. The Town's policy and the civility policy has been violated tonight. The Mayor's social media is none of anyone's business, it is your constitutional right.

Tina Coppock – 505 Avenue B – Spoke about if you are concerned about fiscal responsibility then you should be concerned about the Town Attorney bills because of the Mayor constantly emailing the Town Attorney for things that she should not be doing. The additional length of meeting times is costing the Town money. The Mayor is big on making others follow requirements, but she does not follow them.

Lauren Hardman – 320 Sixth Ave – Spoke about how this declaration is in Robert's Rules of Order to help get things back on track. It is not to get rid of someone, it is to help. Today's meeting was much better. The last attorney bill, the Mayor contacted the Town Attorney 106 times, which is over \$2,000.

Frank LaGrassa – 412 First Ave – Spoke about how both sides are blind. When the Mayor was elected he was afraid she was going to be ganged up on. He supports Marivi because she is such a lady up there and does not participate in ganging up. Get back to speaking factually, take the judgment out. Forgive and forget.

Jeanne Lewis – 506 Hibiscus Trail – Was at the September meeting when Corey told the Mayor she was too far into the weeds. She voted for the Mayor because she wants someone to get into the weeds. The Commission has oversight and directs the Town

Manager. The Town Manager has oversight and directs the employees. Now there is a Mayor that is actually doing the job and she is being sabotaged. Not answering questions, sending the information, and not being helpful, hoping the Mayor will resign. Power is hard to give up when you have had it for so long. Believes the Town will benefit from more oversight. Hopes after the election the atmosphere will rectify itself.

Mark McBride – 310 Second Ave – *Spoke about how tonight's meeting was better, and the Commission is changing. The Mayor processes things in ways that can be frustrating, but is the only one that has listened to him. The other Commissioners have never questioned the Town Manager once. The Mayor can be frustrating sometimes, but she will listen to you. The makeup of the Commission is changing.*

Gail Gowdy – 215 Ash Ave – *Spoke about not knowing where to go after tonight, does not think it is right, you have sabotaged the Mayor for a year, Corey destroyed her at every meeting and no one ever stood up.*

Vice Mayor Sherri Quarrie spoke about how the censure is to make someone better. Saying things behind someone's back is not professional. This is the professional way to make improvements. This is not disparaging. This is an action that she believes needs to be improved. This is a request to improve. The Commissioners have to be responsible for what they put on social media because it is public comment. We all have to read the minutes, have to be prepared for the meetings, have a life, speak with staff to be educated. This is not to gang up on anyone. This is to point out things the Mayor can improve on.

Commissioner Robert Baldwin spoke about this being a tough thing to evaluate. In the business world, this would not happen. You would have a private meeting and evaluation. Sorry for that fact now, but the Mayor did not do that in private to Robert Bitgood when she could have. Does not necessarily agree with everything in the censure. Has heard in recent meetings and the Mayor has threatened lawsuits and that really turns people off. Encourages the Mayor to not wield that as much. This meeting was really good, and he would like to see that continue. If he voted for the censure it would only be to say some of these things need to stop. Listening to the other side and not interrupting. Everyone has to do better on not interrupting. Give people the benefit of the doubt and don't prejudge people. We all need to be polite.

Commissioner Marivi Walker spoke about there being a learning curve to every new job. The only difference between the Commissioners is the Mayor is here to facilitate the meetings. The Mayor is incredibly smart, but sometimes the way you go about things makes you your own worst enemy. Sees this as an improvement plan. When you communicate with staff try to be more concise because sometimes the emails can be very confusing. Have to get the meetings on the right track.

Commissioner Dawn Barlow spoke about how there is no doubt the Mayor is passionate about the Town. The Mayor has been able to listen to the resident's and be able to prioritize items. The consistency with due process of meetings needs to be adhered to. Sometimes the Mayor's body language can make the topic seem less important and that is

not fair. Thinks the adversarial personalities are behind us. Being able to work together and move forward and finish things.

Mayor Alison Dennington spoke about taking these things to heart and appreciates that she is not perfect. Some of the stuff is not specific and feels it is defamatory.

Vice Mayor Sherri Quarrie made a motion to pass and adopt the centure as printed; Commissioner Robert Baldwin seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

- G. Originally Consent Agenda Item A - Approval of the Regular Town Commission Meeting minutes June 19, 2024 – 4:55:30

Vice Mayor Sherri Quarrie made a motion to approve those minutes subject to the changes that will be presented.

Vice Mayor Sherri Quarrie withdrew her motion.

Vice Mayor Sherri Quarrie made a motion to table Consent Agenda Item A, B, and F to the November Regular Town Commission meeting; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- H. Originally Consent Agenda Item B - Approval of the Regular Town Commission Meeting minutes July 17, 2024

Tabled as part of the motion from New Business Item 12G.

- I. Originally Consent Agenda Item F - Approval of the Regular Town Commission Meeting minutes September 18, 2024

Tabled as part of the motion from New Business Item 12G.

13. Administrative Reports

A. Town Attorney

No additions.

B. Town Manager – 4:58:50

Town Manager Elizabeth Mascaro spoke about Waste Pro, provided updated information on storm clean up and it was significantly higher than expected, \$23,000. Said FEMA usually reimburses 90%.

Commissioner Dawn Barlow asked if basins and flooding would qualify for reimbursement.

Town Manager Elizabeth Mascaro said that if flood waters affected the pipe, there would be the ability to submit for refunding. Her feeling is that the flooding situation will not be considered the main root causing the problem.

Mayor Alison Dennington asked if there were any legal requirements related to Robert Bitgood rescinding his resignation.

Town Attorney Ryan Knight said no, you don't have to hold interviews or anything like that.

Vice Mayor Sherri Quarrie asked if there would be issues declaring the State of Emergency before the County.

Town Manager Elizabeth Mascaro spoke about not declaring until after the County due to funding, but it was declared too early. There is no reason to declare early. As the Town Manager she can determine when to start paying staff for emergencies.

Mayor Alison Dennington spoke about canceling the meeting because the building was boarded up, and residents were complaining because they needed to prepare for the hurricane and the Town had a meeting scheduled. The Mayor has the ability to declare an emergency. Had differing opinions than the Town Manager.

Commissioner Marivi Walker spoke about this not being the first hurricane and was surprised how early things shut down, there is a good plan in place.

Mayor Alison Dennington spoke about either changing the charter, doing a referendum. Or the Commission could come up with a policy that if the governor declares a state of emergency, there would not be meetings unless the meeting is an emergency.

Commissioner Dawn Barlow spoke about reviewing the procedures well in advance of hurricane season so everyone is aware, and if needed, revise them.

Commissioner Robert Baldwin asked if there was anything learned from the hurricane.

Town Manager Elizabeth Mascaro spoke about nothing learned, same process as several previous hurricanes.

Mayor Alison Dennington spoke about scheduling a workshop yearly to review procedures.

Town Manager Elizabeth Mascaro spoke about how the policies and procedures are not for public consumption because the general public does not understand how the government works.

Mayor Alison Dennington spoke about how other municipalities have their policies and procedures online including West Melbourne and Brevard County. That would help with transparency.

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 11:41 p.m.



Alison Dennington
Mayor

ATTEST:



Rachel Pembrook (Nov 8, 2024 13:59 EST)
Rachel Pembrook
Transcriptionist

