

# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING December 18, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

### MINUTES

#### Commission Members:

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

#### Staff Members:

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

#### 1. Call to Order

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

#### 2. Roll Call

Town Clerk Amber Brown conducted a roll call.

#### Commission Members Present

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Anna Butler  
Commissioner Tim Reed

#### Commission Members Absent

Commissioner Robert Baldwin

#### Staff Members Present

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Police Chief Tim Zander  
Building Official Robert Bitgood  
Fire Chief Gavin Brown  
Finance Manager Jennifer Kerr  
Town Clerk Amber Brown

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

Mayor Alison Dennington led the Pledge of Allegiance.

#### **4. Meeting Agenda – Additions/Deletions/Changes - 1:30**

Mayor Alison Dennington said she provided documents to the other Commissioners. There was an update related to stormwater and the engineer. She mentioned that the Building Official would have discussion on that, but that's not reflected on the agenda.

Vice Mayor Dawn Barlow said that under Unfinished Business we have B and C as place holders for the first reading for STRs and noise control, and said those were going to be moved to the January meeting, so they should be removed from tonight's agenda.

**Vice Mayor Dawn Barlow made a motion to remove B and C under Unfinished Business from tonight's agenda; Commissioner Anna Butler seconded; Motion carried 4-0.**

Mayor Alison Dennington said they wanted to give the Town Attorney time after the workshop to make the changes they had discussed, that's why they moved those items to January. Also mentioned she had met with the Finance Manager and added some information to the packet about that as well.

#### **5. Consent Agenda – 7:50**

- A. Approval of the Regular Town Commission Meeting minutes November 20, 2024
- B. Reappointment of Leslie Maloney as a board member on the Environmental Advisory Board
- C. Reappointment of Bruce Morgan as a board member on the History Center Board
- D. Reappointment of Crystal Cain as a board member on the History Center Board

Mayor Alison Dennington pulled Consent Agenda Item A.

**Vice Mayor Dawn Barlow made a motion that we approve items B, C, and D on the Consent Agenda; Commissioner Tim Reed seconded; Motion carried 4-0.**

Commissioner Tim Reed thanked the individuals from the boards for coming back and continuing to serve and donate their time. Vice Mayor Dawn Barlow and Mayor Alison Dennington thanked them as well.

#### **6. Proclamations/Presentations/Awards**

#### **7. Finance/Budget Report – 9:40**

Finance Manager Jennifer Kerr said the budget memo has changed, items here are line items that have gone over and reasons why they went over for the month of November.

Commissioner Anna Butler met with Finance Manager Jennifer Kerr and said the explanation was very helpful.

Vice Mayor Dawn Barlow also met with the Finance Manager around hurricane reimbursement, approximately \$43,500 has been submitted for reimbursement. Also, she was told that it could take anywhere from 12-24 months to receive the reimbursement.

Finance Manager Jennifer Kerr said that reimbursement was for the debris removal when the Waste Pro trucks went around and picked up yard debris. That has been submitted and approved, but the Town has not received the money yet.

Commissioner Tim Reed received confirmation that the reimbursement is through FEMA.

Vice Mayor Dawn Barlow wanted to clarify that the Building Officials salary shifted line items, when the Building Official had initially stepped away, the Town was going to have to engage with professional services, for November it was shifting from one item to another, but going forward that should be corrected.

Mayor Alison Dennington suggested budgeting for hurricanes going forward so they don't hit various departments. Mentioned that in the Town planning, we voted to have the Town Attorney and Planning Official look into the issue of height, said this has been approved but hasn't happened, so we need to work on it.

Town Manager Elizabeth Mascaro said it's in process. We will be billed for it, but we don't always get billed monthly.

Mayor Alison Dennington confirmed that waste tax services were property taxes. Asked about the hurricane pay for the Building Official. EMS, Fire and Police services are eligible for refunds when there are hurricanes, does his cost not get reimbursed if he does not fall under those categories?

Fire Chief Gavin Brown said the Building Official was in charge of damage assessments, he's the subject matter expert for that. Said it is important to have him helping to get it done as quickly as possible.

Finance Manager Jennifer Kerr said she submits everything for reimbursement and that would include the costs related to the Building Official. Sometimes they say we are paying you 75% of your requested amount, they don't list out what things are not being paid for.

Mayor Alison Dennington asked for an explanation of what the health insurance for the building fund went over meant. -19:30

Finance Manager Jennifer Kerr said when the Building Official put in his resignation and the budget was completed, the amount to hire a Building Official was put into the line item of Professional Services, when he rescinded the resignation, it went back to Salary because he is an employee. For fiscal year 2024, we went over the salary for the Building Official because he maxed out his vacation hours (paid him out on 40 hours).

Town Manager Elizabeth Mascaro said he was paid out because having a Building Official is a state requirement so he could not take vacation. Also, the Building Department's function is not to be a profit center, it is supposed to be a breakeven center at best.

Mayor Alison Dennington asked about budgeting \$4,000 for Christmas decorations but it was in 3 different places. Is that \$4,000 total or \$12,000 total.

Finance Manager Jennifer Kerr said each place money is mentioned is that amount of money so two places mentioned \$4,000 and one mentioned around \$1,500 so it would be a total of roughly \$9,500. This year it is in one spot, not three.

Mayor Alison Dennington said in every category, we are going over on health insurance.

Finance Manager Jennifer Kerr said we pay the month ahead so by the end it works out.

Mayor Alison Dennington spoke about needing more explanation around certain language in this section, and thinks providing that for the public would be helpful. Mentioned Communication Services seems to be over budget in each department, would like more of an explanation of what each of those would include in each department.

Town Manager Elizabeth Mascaro said more is spent on that category at the beginning of the year. There are accounting codes that have to be used, so there could potentially be a separate sheet for definitions/explanations.

Finance Manager Jennifer Kerr said she could compile that list for anything ambiguous.

Mayor Alison Dennington asked about the \$4,900 budgeted for fire prevention. Asked why it is not under the Fire Department.

Finance Manager Jennifer Kerr said that was for fire inspections for vacation rentals. It falls under the vacation rental code so it is a code matter.

Mayor Alison Dennington mentioned that she will be voting against the finance report because of an issue with engineering which the Town Attorney is looking into, not because of the Finance Director. Said even before becoming Mayor, she requested consulting contracts including engineering that she never received. Asked for them again after being elected, said she finally got some information and it looks like there was a 2017 RFQ, CCNA provision under Florida Statutes that did not get enough responses.

Town Attorney Ryan Knight said he does not have all the documentation yet, but from the RFQ there is an initial 5 year term with an option to renew the agreement. There was not an official or final agreement executed, so what would happen in that case is the terms and conditions in the RFQ would govern. Said he would anticipate getting all of that information in the next couple of weeks, at the latest before the next Commission meeting. - 38:10

Mayor Alison Dennington said that if the 5 year term started in 2017, that since 2022 the Town has not been in compliance even though it was stated to her that we had a contract.

Vice Mayor Dawn Barlow asked if the RFQ stated an option for renewal within that language.

Town Attorney Ryan Knight clarified that the RFQ has that 5 year term but under the Statute, it can be an ongoing contract. It provided for an initial term for 5 years with the option of renewal between the parties after that.

**Vice Mayor Dawn Barlow made a motion that we approve the finance report; Commissioner Anna Butler seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.**

Mayor Alison Dennington spoke about dissenting not because of the Finance Manager, but because of legal questions. Asked questions to the Town Attorney about how he determines what to put under elected officials vs manager or general. Said who is responsible for requiring a cost to be incurred could be debated. Feels around 20 of the issues should be moved to Town Manager from elected officials. There is something about Building Height and 207 Flamingo, wants to know what the actual rule is. Wants a memo because there is nothing at the moment saying they need to report back to the Commission about that issue.

Town Attorney Ryan Knight if there is any communication or direct email between himself and a Commissioner it would fall under elected officials. General would be used for Commission meetings, researching short term rentals, etc. Some matters could be hybrid, but generally if communicating with Commissioners it is under elected officials. Did reach out to Mr. O’Gorman and is setting up a meeting with him and Building Official Robert Bitgood. Says he can prepare a memo after they meet. Said the issue with 207 Flamingo is not related to building height, it was regarding potential unlicensed work going on.

Vice Mayor Dawn Barlow said there were discussions with P&Z, the Town Commission did vote on it but it’s going through its process. Is getting an idea about timelines the purpose of a memo? Does not think this is the time to take a vote on a memo.

Town Manager Elizabeth Mascaro said to remember this goes to P&Z before coming back to the Commission.

## **8. Department and Board/Committee Reports**

### **A. Public Works Department – 56:30**

Commissioner Tim Reed asked where the engineer is at on having the drawings related to the stormwater plan. Asked if we were expecting a full report or just the one basin.

Town Manager Elizabeth Mascaro said she provided drawings on the process sheet and they are looking at Poinsettia and making a recommendation that that pipe be replaced. Spoke about how the Town is getting ready to do a Basin 1 stormwater project. It is a large project that will get broken into segments. There is another project that is being addressed at Cedar and Cherry which is separate from the Basin 1 project.

Vice Mayor Dawn Barlow read email responses from Public Works Director Tom Davis.

Mayor Alison Dennington spoke about Riverside Drive not being finished yet and expressed her concern about the potential for price increases on materials if this project is delayed.

Town Manager Elizabeth Mascaro said the contract states that they cannot change the price. A big piece of their equipment was damaged and that is what caused the delay, but they have fixed it and were back at it today and would be done in a few days.

Mayor Alison Dennington disagreed that the contract states prices cannot change and asked if there was a new estimate to when they would be done.

Commissioner Tim Reed asked about the engineer drawings, clarified for now it was for Basin 1 only. Also said it would be helpful to have a list of the top priorities for the Commission to work on.

Town Manager Elizabeth Mascaro spoke about the different projects and how they will have to be phased because they cannot all be done at one time. Building Official Robert Bitgood will go into more detail about the Cherry and Cedar project.

Mayor Alison Dennington wanted to bring up, related to BSE, that the Town is not in compliance with law/code paying and billing monthly services for an engineer every month. Wants to call an emergency meeting to deal with this issue. Could at least put out an RFQ or bid for engineering services and in the meantime, the Town Attorney can say if the Town is operating legally.

Vice Mayor Dawn Barlow suggested doing that under New Business, not now.

**B. Building Department – 1:09:35**

Building Official Robert Bitgood spoke about how the Building Department had a very good month. Did a little over \$1.3 Million in construction value with no new homes. Permit fees totaling just shy of \$25,000.

Mayor Alison Dennington confirmed that the 129 inspections are separate from the 7 vacation rentals.

Vice Mayor Dawn Barlow asked about the building heights being a gray area. Items don't go to P&Z if things are within scope. Asked the Building Official if he had received anything this last month that could fall into the area that we are currently trying to evaluate.

Building Official Robert Bitgood said he had not received anything that would fall into that.

Mayor Alison Dennington asked what is the Building Official Robert Bitgood's current interpretation of the status of where we measure from and whether or not somebody can bring in fill material.

Building Official Robert Bitgood said this is being evaluated by P&Z. Everything up to now has always been from the finished floor elevation. Is not aware of anybody bringing fill in. Spoke about how the Code says at least 18 inches above the crown of the road.

Mayor Alison Dennington spoke about the importance of having something in writing. If it is under 7A it is a zoning issue, and the planner should make those determinations.

Building Official Robert Bitgood spoke about how he enforces the Town ordinances, but he does not interpret the Code. Has tried to help in the past to clarify that, now realizes it is

not his responsibility and is having P&Z look at it. Said that regarding the stormwater at Cherry, the pipe was scoped and it is in great shape, but when the river gets so high, half of the pipe is under water. Recommends keeping an eye on it.

Mayor Alison Dennington asked for details on the inspection status partially complied.

Building Official Robert Bitgood spoke about being able to partially approve, so the work can continue and the remaining work will be inspected later. -1:19:22

Mayor Alison Dennington asked for an asterisk for more details next to inspections that say partially complied.

Building Official Robert Bitgood had misunderstood the Mayor and explained that that would be one of the 7 inspections where he was helping before the new code person starts. The reason you have to have a Building Official is if you have construction in your jurisdiction to regulate that. He would have it in his authority to partially comply something to keep the project going.

Mayor Alison Dennington asked to understand the difference between partially complied and partially approved. Asked the Town Attorney to get her that Statute.

Building Official Robert Bitgood said that compliance is related to a code issue, partially approved means he went out for something like a framing inspection and maybe they were missing screws or something simple like that and he can look at that when he comes back.

Town Manager Elizabeth Mascaro explained that there are probably 15 items that are reviewed, partial compliance means they may have passed on 10 but failed on 5.

Mayor Alison Dennington said that Jim Turner quit, was wondering why he was mentioned.

Fire Chief Gavin Brown said he quit as the Code Enforcement Official, but now is a contractor that does fire inspections.

#### C. Code Enforcement – 1:31:30

Town Manager Elizabeth Masacaro said she is the Code Officer at the moment but there is a full time person starting January 2nd. Page 79, where it shows the certificate list, if there is a money number, that means they have not paid and the property has not been inspected. Trying to categorize it to say if it is held for money, inspection or both. If the money is 0 it means they paid but have either failed inspection or not scheduled one yet. Have 17 properties that have paid but haven't scheduled inspections.

Vice Mayor Dawn Barlow asked about short term rental violations, specifically having a section of currently registered applications in process and believed unregistered STRs.

Town Manager Elizabeth Mascaro spoke about how page 76 shows the short term rental violations that are in the code enforcement process. They have not complied, letters have

been sent. She has contacted the Magistrate's Office asking for dates in January to take them to code. Several addresses on the list from Bruce Larson are in the 4RMO and 5RMO which are 30 day or more rentals only.

Vice Mayor Dawn Barlow asked about producing a complete list that shows different categories, 30 day vs short term, etc.

Town Manager Elizabeth Mascaro said she could make an Excel spreadsheet but is working on different report options. Also said that if the Town has to convene with the Magistrate, the Town can charge a fee. Should look into adding this when talking about fee structures.

Mayor Alison Dennington asked for updates/details on the entire list from Bruce Larson.

Town Manager Elizabeth Mascaro said she can provide the list with the updates on it.

Mayor Alison Dennington asked for details on if the Owner Occupied Vacation rental at 2015 Oak from Gary Prutow is the first time he had the exemption form turned in.

Town Manager Elizabeth Mascaro said it came up as a complaint originally, but Gary Prutow signed the form. Does not know if this is the first time he has submitted the form but could get back to the Mayor about that. Also said that for people who have not fully finished the application process (they have paid but the inspection has not been done) they receive an email and they are aware they cannot legally rent.

Building Official Robert Bitgood said he had pulled State Statute 468.604(1) and read it.

Mayor Alison Dennington said that did not mention partially, which was her issue.

#### D. Fire Department – 1:47:25

Fire Chief Gavin Brown spoke about how the report used to be for each calendar month, but to provide more current information the report covers part of December.

Commissioner Tim Reed asked about automatic aid agreement with Indian Harbour Beach.

Fire Chief Gavin Brown spoke about how Indian Harbour Beach sent him an auto aid agreement that he is currently looking it over, but this will not fix the issues caused by not having an auto aid agreement with Indialantic. Spoke to the Commission about scheduling a workshop to discuss the fire department and the possibility of hiring paid fire personnel.

The Commission discussed when to have a February workshop for this, suggesting Feb 4th.

Fire Chief Gavin Brown said hydrant flushing is underway late at night. Currently applying for an AFG grant for equipment, and then will apply for a staffing grant. The Christmas Eve Santa Run is coming up and the gift drop off starts on Friday. For more details visit [WWW.MBVFD.COM](http://WWW.MBVFD.COM).



Vice Mayor Dawn Barlow asked about the differences between whole house short term rental versus owner occupied inspections. - 1:55:45

Fire Chief Gavin Brown spoke about Administrative Code 69A-43 which says vacation rental enforcement falls under transient lodging. Have a whole inspection checklist, smoke detectors, fire extinguishers, etc. However, the State and DBPR does not require owner occupied rentals that rent less than 50% of the structure to have an inspection, or have any requirements. Read part of Florida State Statute 633.206 and 509.215 and part of the Administrative Code.

Mayor Alison Dennington said if you are renting short term, even if it's just a room, that would make you a short term rental. If the owner occupied exemption is taken away, will they need to go through this whole inspection process?

Fire Chief Gavin Brown said lots of codes and statutes cross reference each other but what he has found is that it refers to 50% or more of the units in the structure being advertised for short term rentals, then they would be required to be inspected. If the Town wanted to be more strict than the Florida Fire Prevention Code, at that point, the Town would need to go through and pass an ordinance and present that amendment to the state. The 50% provision is in section 509.215 of the Florida State Statute.

Vice Mayor Dawn Barlow spoke about asking the current owner occupied vacation rentals for the number of rooms that are being rented.

Fire Chief Gavin Brown said that if the Town were to require an inspection, to think about it before making a decision because it becomes an enforcement issue.

Commissioner Anna Butler mentioned originally bringing it up because of fees.

Fire Chief Gavin Brown said if you are requiring inspections for any and all forms of short term rentals, the inspection requirements would most likely be the same so it would make sense that the price would be the same.

Town Manager Elizabeth Mascaro asked if the Commission would be interested in changing the requirement of having a landline to post the address in various rooms. The intent of the landline was if they needed to call emergency services they might not know where they are, but if the address was posted around the home that could help solve the problem.

Mayor Alison Dennington liked this suggestion and said they could have a vote on it after public comment. Asked if the Town Attorney could provide options related to repealing the owner occupied exemption. Asked for the Fire Chief to provide further details on how often other agencies assist our Town.

Town Attorney Ryan Knight said he could look into it but for fire issues, you would be creating more issues than there actually are for a one bedroom.

E. Police Department – 2:15:40

Mayor Alison Dennington spoke about creating a policy to have an officer go when there is a line of duty death. Asked for the monthly report to state how many times other agencies assist us.

Police Chief Tim Zander spoke about how there is no current procedure to send someone if an officer dies in the line of duty. If it is within the county, they absolutely go. If it is outside the county, they either try to send someone or contact the department and give support. Does not think there needs to be a policy in place. Said most of the time it is Melbourne Beach assisting others as opposed to getting assistance from others. Could provide when they are helped going forward.

Commissioner Tim Reed asked if the Department is fully staffed with the new officer.

Police Chief Tim Zander said the new officer is being trained, once she is trained they will be fully staffed. She should finish around the middle of March.

F. Town Clerk – 2:20:00

Town Clerk Amber Brown said she wanted to highlight that there has been an update to the website. When people receive a subscription notice for the agendas and minutes page, it does not stipulate what was updated and there is no way for a subscription to do so. But at the top of the page it will show the most recent updates.

Mayor Alison Dennington asked questions about the intern and the scanning project.

Town Clerk Amber Brown said she is on winter break, will not see her until January and does not know the length of time she will be helping with the project. Said she seems like she will be good with technology. Documents are scanned, can provide them upon request, but does not know when they will be fully available. The system is not filing or naming them correctly. Spoke about the different phases of the project.

Vice Mayor Dawn Barlow asked about public requests that haven't been completed.

Town Clerk Amber Brown said that is usually because of the date cut off, a few are very large so she has to put a quote together and give the person an opportunity to pay the quote before doing the work.

Mayor Alison Dennington suggested if a request is for historical records, such as minutes, that were uploaded in phase one, that can be done quickly.

Vice Mayor Dawn Barlow asked how requests from elected officials are captured?

Town Clerk Amber Brown said the Town Attorney determined anytime a Commission member puts in a request they are not considered public records requests and therefore they are not captured.

**9. Public Comment (Non-Agenda Items) – 2:31:25**

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.

***Frank Thomas** – Spoke about this being the longest workshop ever. This is not a Town meeting, there has not been anything official since the start. Showed paperwork about the Walking History Tour.*

Mayor Alison Dennington said she would at some point like to move Public Comment up from number 9 on the agenda to number 5.

***Scott Bartczak – 204 Fir Ave** – Spoke about how some of these items seem litigious. What is the intent of charging for someone to rent a room? Why charge someone if they are found in compliance by the Magistrate? What are we trying to achieve about the partially approved inspection? Why does so much need to be reported? Don't make everything so complicated.*

Mayor Alison Dennington said she does not believe a person could be charged a fee for having to go to the Magistrate if they were in compliance. Also spoke about how partially approved is just a language thing and trying to understand the report.

***Mark Emerson – 512 Ocean Ave** – Spoke about how everyone already has a phone in their pocket and it tells 911 where you are. Doesn't believe the landline requirement is necessary.*

***Mark McBride – 310 Second Ave** – Spoke about vacation rental issues, and news articles on vacation rentals. Said report says 17 STRs and we know it's closer to 50.*

***AnneMarie McBride – 310 Second Ave** – Spoke about vacation rental issues, and strengthening the regulations. Preserve the Town of Melbourne Beach.*

***Bruce Larson – 1507 Pine St** – Spoke about needing more definitions and distinctions regarding owner occupied vacation rentals.*

**10. Public Hearings/Special Orders**

**11. Unfinished Business**

**A. Approval of Regular Town Commission Meeting minutes November 20, 2024 – 2:51:50**

Mayor Alison Dennington spoke about passing the gavel to make a motion to put the agenda item at the very end of the meeting.

**Vice Mayor Dawn Barlow made a motion to table the consent agenda A approval of regular Town Commission meeting minutes which was moved to unfinished business; Commissioner Anna Butler seconded; Motion carried 4-0.**

**B. Approval of the Regular Town Commission Meeting minutes September 18, 2024 – 2:55:12**

Vice Mayor Dawn Barlow made a motion that we approve the regular Town Commission meeting minutes September 18th 2024; Commissioner Anna Butler seconded; Motion carried 4-0.

~~C. Ordinance 2024-05 Chapter 74 Vacation Rentals – First reading~~

~~AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 74, "VACATION RENTALS"; AMENDING PARKING REQUIREMENTS TO LIMIT AMOUNT OF VEHICLES AT VACATION RENTALS; AMENDING MAXIMUM OCCUPANCY CAPACITY; PROVIDING FOR NOISE REGULATIONS AND PENALTIES; PROVIDING FOR REGISTRATION SUSPENSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~D. Ordinance 2024-06 Chapter 48 Noise Control – First reading~~

~~AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 48, "NOISE CONTROL," RELATING TO NOISE REGULATIONS; AMENDING REGULATIONS, DEFINITIONS, AND TESTING PROTOCOLS RELATED TO NOISE RESTRICTIONS; PROVIDING MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SPECIAL PERMITS AND LICENSE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.~~

## **12. New Business**

A. Consideration on quotes to replace the Old Town Hall History Center roof – 2:57:10

Building Official Robert Bitgood said there was a roof leak at the Old Town Hall History Center. Received 3 quotes. Based on the cost per sheet and the type of materials quoted he would recommend going with the quote from G&G Roofing. Their quote was \$16,500 which was slightly higher than the other quotes but used better materials.

Vice Mayor Dawn Barlow asked if the Building Official Robert Bitgood had any idea how many sheets of plywood might need to be replaced. What is the potential to go over that \$16,500? Is this budgeted and does that Board have the money for it?

Building Official Robert Bitgood said he does not see them going much over the \$16,500, but until you strip the roof, you just don't know. Estimates possibly 2-3 sheets more at \$68 per sheet, roughly another \$210.

Town Manager Elizabeth Mascaro said that this is not budgeted, and in order to keep the millage rate there are no extra funds. The money could be pulled from long term capital. There is a Resolution that says all maintenance and upkeep of the Old Town Hall is the responsibility of the Town.

Mayor Alison Dennington requested the date from the Town Manager about when she found out about this resolution. Spoke about getting the funds from parking, and asked

why this wasn't budgeted. It has been known for years.

Town Manager Elizabeth Mascaro said the funds could be borrowed from reserves. Said they repaired it at the same time they painted the building. They looked at the roof, there was no leak at that time, so they thought the roof would be good for another 2-3 years. Said for the record, there has been money allocated for these buildings over the years for repairs, leaks, etc., but there is no money in Capital Improvements at the moment.

Vice Mayor Dawn Barlow asked if the Board could pay upfront, and at year end the Town could reimburse them.

Commissioner Anna Butler spoke about having prior experience with G&G and they did a good job.

***Gail Gowdy – 215 Ash Ave – Asked when the contract is up on that building, if the County does not want to renew, then why put a roof on it? Asked when the lease was up. There are too many questions concerning an unknown.***

Town Manager Elizabeth Mascaro said the lease is up in 2025. The county owns the land and the building, so in January they will reach out to them to see if they would like to renew the contract.

Mayor Alison Dennington spoke about needing to figure out what the County wants to do prior to figuring out what to do about the roof.

**Vice Mayor Dawn Barlow made a motion to table this until next month, pending a meeting that the Town Manager is going to have with the County and the Town Manager will also incorporate a report to be inserted in addition to the bids that are in today's packet; Commissioner Anna Butler seconded; Motion carried 4-0.**

**B. Resolution 2024-14 Establishing a Charter Review Committee – 3:14:50**

**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ASSIGNING ITS DUTIES AND DURATION, PROVIDING AUTHORITY FOR EXPENDITURES; PROVIDING AUTHORITY FOR PUBLIC MEETINGS; PROVIDING FOR A METHOD OF PROVIDING LEGAL AND STAFF SUPPORT FOR THE COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE AND A DATE FOR TERMINATION OF ACTIVITIES.**

Town Attorney Ryan Knight said this provides that each member of the Commission shall appoint somebody to that Charter Review Committee.

Mayor Alison Dennington spoke about how they decided they would be announcing it here but Commissioner Robert Baldwin is not present.

Town Clerk Amber Brown said Commissioner Baldwin provided his appointee's information ahead of time.

Mayor Alison Dennington said she received a call about an issue with someone being on two boards at one time.

Town Attorney Ryan Knight spoke about how the Charter Review Committee is considered an Advisory Board. The Board of Adjustment and Planning and Zoning Board are considered an office. So this would not violate the dual office holding provisions.

Commissioner Tim Reed asked if a committee is the same as a board.

Town Attorney Ryan Knight said it is a distinction that does not really matter, it is what is in the ordinance and what the responsibilities actually are. They have no decision making authorities or duties, they are simply making recommendations to the Commission.

Mayor Alison Dennington passed the gavel.

**Mayor Alison Dennington made a motion to amend this to strike the Charter Review Committee and make it Charter Review Board.**

**Failed for a lack of second.**

**Vice Mayor Dawn Barlow made a motion that we accept the Town Commission Resolution 2024-14 establishing a Charter Review Committee; Commissioner Anna Butler seconded; Motion carried 4-0.**

**Mayor Alison Dennington passed the gavel.**

**Mayor Alison Dennington made a motion for the Town Attorney to give us something that explains the difference between a Committee and a Board.**

**Failed for a lack of second.**

C. Commissioners present their appointee to the Charter Review Committee – 3:21:35

Mayor Alison Dennington appointed Bruce Larson.

Vice Mayor Dawn Barlow appointed Kathy Ivers-Osthus.

Commissioner Tim Reed appointed Charles Leps.

Commissioner Anna Butler appointed Jessica Martinez.

Town Clerk Amber Brown provided Commissioner Baldwin's appointee James Simmons.

Mayor Alison Dennington spoke about how James Simmons is on the Board of Adjustment and believes that is a problem.

Town Attorney Ryan Knight spoke about how the Town Clerk will contact the members to schedule the first meeting. He would chair the meeting until they elect a chairperson. At the first meeting, a schedule will be created and he will provide a summary.

Commissioner Anna Butler confirmed that this Committee would fall under Sunshine.

Town Attorney Ryan Knight said he would go over Sunshine Law with them at the meeting.

Mayor Alison Dennington asked if the work of the Committee would be affected if a resident challenges someone being on two boards, and what happens if someone becomes ill and has to vacate their seat.

Town Attorney Ryan Knight said if there is a lawsuit filed it would affect timelines, if a lawsuit is pending they would continue working how they see fit. Said the Resolution stipulates if there is a vacancy, it will be filled at the next regular or special Town meeting upon selection by the original appointing Commission member.

D. Consideration on instituting paid parking at 6<sup>th</sup> Ave Kayak Launch – Commissioner Tim Reed – 3:29:25

Commissioner Tim Reed said instituting paid parking was mainly to address unattended vehicles there. He was thinking this could go on the task list. Said the Town could use existing kiosks, have signing pointing people to use them or the app. Also said residents would still have free usage via their parking permits.

Commissioner Anna Butler asked if this is to solve a problem or is this to bring revenue.

Commissioner Tim Reed spoke about it being a combination of both. It would generate revenue, and assist with parking.

Mayor Alison Dennington spoke about how she has never seen a time when it is fully parked and too busy. Concerned with messing with something that does not have a problem. If residents start to have an issue launching their boat then look into it. Not against it because residents wouldn't have to pay. Spoke about informally asking the residents their opinion, possibly on Facebook.

Vice Mayor Dawn Barlow spoke about not being sure there is a problem that needs to be solved. Sees activity at the ramp, but not a backlog. There are other priorities right now.

Town Manager Elizabeth Mascaro spoke about how there would need to be parking spots because that is how people pay. Said there would not need to be a kiosk, people could use the app on their phones to pay and it could calculate a different fee for a trailer.

Mayor Alison Dennington said her husband launches there and he said it does get busy occasionally, but he has never had an issue being able to launch.

Commissioner Tim Reed spoke about how there have been times when he has gone there and it was too busy, so he had to leave and come back later. Said there is paid parking in similar areas in town.

Mayor Alison Dennington spoke about one idea to test it is to have some free spots and some paid spots.

**Gail Gowdy – 215 Ash** – Spoke about having friends on Sixth and that area is the only place in Town that is not paid parking that is used by a lot of outside people. It should be consistent. - 3:43:35

**Bruce Larson – 1507 Pine** – Spoke about wanting to disincentivize outside people from using it. The majority of people using the ramp are not Town residents. Limit the amount of use of it and save it for the residents.

**Scott Bartczak - 204 Fir** – Spoke about using the launch a lot. It is too small to be considered a revenue stream. What about it being a resident only, so you need a sticker.

Mayor Alison Dennington spoke about trailers of different sizes, thought that the Public Works Director could possibly go over and take measurements. Suggested tabling this, but to come back with options with trailer size and how many would fit.

Vice Mayor Dawn Barlow asked about the state as far as projects related to the boat ramp and drainage issues.

Town Manager Elizabeth Mascaro said one project was the seawall. The Town put coquina down that is working, it's taking on the waves and dispersing the water. Recommended one more truck load be dumped on the water side. The second project was looking at doing some landscaping. Pine Street is pitched which causes water issues. There is no water there for landscaping, and the coquina rock is doing really well.

Mayor Alison Dennington said there will always be expenses including the seawall, so even if the paid parking didn't bring in a lot of money, it could still create a fund for that.

Town Manager Elizabeth Mascaro spoke about how another idea is to create a boat sticker to allow non residents to purchase a sticker.

Vice Mayor Dawn Barlow said you could also cap the number of stickers for guests.

The Commission spoke about liking that idea.

Commissioner Tim Reed spoke about being okay with tabling it. Doesn't have a problem with the idea of making it exclusively residents, although that might have some blow back.

**Commissioner Tim Reed made a motion to put this on the task list to develop the plan and proposal for the 6th Ave paid parking and bring it back in February; Vice Mayor Dawn Barlow seconded; Motion carried 4-0.**

- E. Consideration on instituting paid parking at the east end of Ocean Ave – Commissioner Tim Reed - 4:03:20

Commissioner Tim Reed started by confirming that is Town property, not part of Ocean Park. Said there is beach access parking at the end of every other street. Maintain emergency access, add marked number spaces, no need for a kiosk. There's no need to



add a crossover. Right now the parking spaces are for 30 mins, no unattended vehicles. Maintain some of those spots. This would allow residents to use the resources in Ocean Park without having to pay to park. The revenue from this area would not be included in the Ocean Park parking (it would go to Ryckman fund).

Mayor Alison Dennington spoke about liking the idea. This would bring a lot more revenue.

Town Manager Elizabeth Mascaro spoke about how the Town does own this land.

Vice Mayor Dawn Barlow confirmed potential costs to redesign this could be absorbed by parking and said she would be in favor of exploring the idea.

Commissioner Anna Butler spoke about how she would be very unhappy with adding more congestion to that area. People stop to take a picture of the beach. There is the curve there that confuses people and she is not for it. There are safety concerns.

Vice Mayor Dawn Barlow asked if FDOT would have a say.

Town Manager Elizabeth Mascaro said she does not think so. FDOT required the Town to change the parking into Ocean Park. Spoke about how it is Town property, but FDOT might weigh in on the entrance and exit.

***Scott Bartczak – 204 Fir – Please do not do this. If you put parking there, people are going to park there and then residents will have no place to go. It is one of the few places you can see the water.***

***Gail Gowdy – 215 Ash Ave – Said a lot of handicapped people drive there to see the ocean.***

***Jessica Martinez - 301 Ave A – Spoke about being opposed to adding parking there. Someone is going to get run over. It is too tight there and confusing.***

Commissioner Tim Reed spoke about not making a motion because it does not seem to have support.

Commissioner Tim Reed spoke about having a long term plan for a reliable arrangement for a Magistrate. Trying to strengthen ordinances and have better enforcement, that could lead to more need for things going to Magistrate. Said the current Magistrate might be near the end of their career. Looking for an effort to start the search now to have a Magistrate in place for the future. Said he was not trying to slight the Magistrate in any way, shape or form, just did not want to have a gap.

Mayor Alison Dennington said the current Magistrate is very well respected and knowledgeable.

Town Manager Elizabeth Mascaro spoke about starting to have the conversation to have a backup plan.

Mayor Alison Dennington mentioned FLC and that they do have a provision, it's a free service where you can advertise for any position. Could you put something on there saying we have a Magistrate but might be looking for one?

Town Manager Elizabeth Mascaro said they could put something out there as far as how frequently they would meet and see if there is any interest.

**Commissioner Tim Reed made a motion to have the review and search for a new magistrate be added to the task list with a due date of February 2025; Vice Mayor Dawn Barlow seconded; Motion carried 4-0.**

- F. Consideration on contracts for vacation rental tracking companies – Town Manager Elizabeth Mascaro – 4:27:05

Town Manager Elizabeth Mascaro spoke about receiving information on 2 companies, Orange Data and Deckard Technologies, but found a 3<sup>rd</sup>. The 3<sup>rd</sup> company GovOS cannot meet until January 3<sup>rd</sup>. Out of the other 2 companies, feels very strongly about Deckard. They have a comprehensive package with an annual cost of \$13,500 with three separate modules. Can opt out of individual modules later.

Mayor Alison Dennington thanked the Town Manager for the report and agreed with her about Deckard. Wants to wait until the new short term rental ordinance is passed.

Commissioner Anna Butler asked if Indian Harbour also looked into Deckard.

Town Manager Elizabeth Mascaro said the person she spoke with from Indian Harbour did not recall the name Deckard.

Vice Mayor Dawn Barlow asked if they keep a percentage of the collection. Would we have access to the data?

Town Manager Elizabeth Mascaro spoke about not delving into that yet. Due to public records laws in Florida we would have to have access to the data.

Commissioner Tim Reed spoke about how this is good, but it would be good to have some more time to get the additional information from the 3<sup>rd</sup> company. Can they really fence the Town of Melbourne Beach off from the rest of south Melbourne Beach? Mentioned the core module, the \$5,000 one, where they do the research and come up with the numbers, registration portal and hotline are additional options. Can see the benefit of starting with all three and then tailor back.

Mayor Alison Dennington said that was the same question she had at the conference she attended and the person who showed her about Deckard there showed her it's possible and how. Wants to know if they would consider a reduced amount for the first year.

Town Manager Elizabeth Mascaro said they can designate the Town of Melbourne Beach. Able to tailor a lot of the information.

Commissioner Tim Reed said the Town Manager reached out to Indian Harbour Beach, the literature provided some references, two of them are beach side communities, thought it would be worthwhile to get their perspectives.

Town Manager Elizabeth Mascaro said she has a meeting with the Town Manager of Cocoa Beach on Friday.

Mayor Alison Dennington asked the Town Manager to ask Cocoa Beach about the new ordinance they passed about the advertisement.

***Bruce Larson – 1507 Pine** – Spoke about how he has done some research into this. Deckard seems like this is their primary business and they are very timely. Whereas a lot of the other companies, it is one module of many. Deckard is a very good option and at a good price.*

***Scott Bartczak – 204 Fir** – Spoke about making sure this is really only doing a service, but don't have them be the police and go after residents for money.*

**Vice Mayor Dawn Barlow made a motion that we hold this to the January meeting to include a third party that the Town Manager will get additional information on that and that will also sync up with the first reading of the short term rental; Commissioner Anna Butler seconded; Motion carried 4-0.**

### **13. Administrative Reports**

#### **A. Town Attorney**

No additions.

#### **B. Town Manager – 4:49:29**

Town Manager Elizabeth Mascaro spoke about meeting with Land and Sea who provided a quote for some repairs to the pier. They have already given an estimate and it's been submitted to FEMA. The new Code Enforcement Officer will start in January, His name is Robert. He currently works at the airport, but prior to that for around 10 years he worked as a process server for the County. Has a master's degree in criminal justice. Five people applied, there were 3 follow-up interviews and he was the choice.

Mayor Alison Dennington spoke about wanting the Town Manager's report beefed up, but does believe it is being worked on with the task list.

Vice Mayor Dawn Barlow wanted clarification on the task list versus the Town Manager's report.

Town Clerk Amber Brown said the task list is separate from the Town Manager's report.

Mayor Alison Dennington said her issue was there was never a definition of task list.

Town Manager Elizabeth Mascaro said it could be called a research list.  
Commissioner Tim Reed asked about the paving project and if the company is responsible for returning Circle Park to its prior condition.

Town Manager Elizabeth Mascaro said she would call and confirm if they will be done before the new year. Said the original and current scope of the work goes to Pine so there will be no additional cost, and they will replace the sod in the Park.

**14. Commission Reports**

**15. Task List**

**16. Public Comment**


**17. Adjournment**

**Vice Mayor Dawn Barlow made a motion that we adjourn; Commissioner Anna Butler seconded; Motion carried 4-0.**

Meeting adjourned at 11:05 p.m.

  
\_\_\_\_\_  
**Alison Dennington**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Rachel Pembrook (Jan 13, 2025 15:35 EST)**

**Rachel Pembrook**  
**Transcriptionist**

