

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING January 15, 2025 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 6:01 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

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

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Police Chief Tim Zander
Fire Chief Gavin Brown
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 – 04:10

Town Clerk Amber Brown said that there were two supporting documents added, one of them is the Interlocal Agreement between Indian Harbour Beach and Melbourne Beach related to Fire Protection and Rescue Services and the other is related to the Vacation Rental Ordinance.

Commissioner Robert Baldwin made a motion to accept the agenda; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

5. Consent Agenda – 06:00

- A. Approval of the Regular Town Commission Meeting minutes December 18, 2024
- B. Approval of the Town Commission Workshop minutes December 16, 2024
- C. Reappointment of Mary Gene Gold as a board member on the History Center Board
- D. Approval of the Town Board Volunteer Application for Carol Crispen
- E. Approval of the Town Board Volunteer Application for Ben Hammet

Mayor Alison Dennington pulled Consent Agenda Item A.

Commissioner Tim Reed asked what board the Commission is approving the applications for, Items D and E.

Town Clerk Amber Brown said she did not stipulate what board because they were submitted for the same position, there is only one seat available on the Parks Board and two people applied at the same time. She spoke with Ben Hammet and is in the process of speaking with Carol Crispen about the requirements of a Parks Board member, said the other person could assist as a non board member.

Mayor Alison Dennington confirmed that if there is an alternate for a board and a position becomes available, the alternate would become a regular member without a vote. These two applications are to fill the alternate position.

Vice Mayor Dawn Barlow mentioned that Carol Crispin indicated both EAB as well as the Parks Board.

Town Clerk Amber Brown said there is an alternate position on EAB currently available, has not spoken with Carol Crispen yet, so she has not received her feedback yet. Spoke with Ben Hammet and he said he would be fine assisting the board as a non board member.

Mayor Alison Dennington said Carol Cripsin is a civil engineer and might be great on the EAB board.

Commissioner Tim Reed made a motion to accept the Consent Agenda Items B-E; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

Mayor Alison Dennington said Consent Agenda Item A would be moved down to Unfinished Business, but would like to move it to the end at that point.

6. Proclamations/Presentations/Awards

7. Finance/Budget Report – 11:15

Commissioner Tim Reed expressed his concern about the transfer to spend \$30,000 on street signs. Asked if the Commission has had a say in the approval of that expenditure amount.

Town Manager Elizabeth Mascaro spoke about how the transfer was part of the approved budget. The prior Commission approved the funds for beautification, looked at doing curb work and the median, they wanted to be able to track any money that was spent in a different fund. Since the Town is not pursuing that, there is not any reason to keep that as its own fund. Said the cost is the poles and the signs.

Commissioner Tim Reed asked if there is a plan in place to spend \$30,000 on street signs. Asked if the Commission did not have any particular say in that expenditure other than how it was folded into the budget when it got approved.

Town Manager Elizabeth Mascaro mentioned the cost is for the poles and the signs, the fund is there to continue to add to the Town. Believes the Commission at the time was aware of what the money was for.

Commissioner Tim Reed said he is bothered by the fact that they are committing to spend \$30,000 on street signs. Asked if the Commission could decide not to do that expenditure or hold off on it.

Commissioner Robert Baldwin expanded on Commissioner Tim Reed's point by asking if the Town has committed to spending that from a contractual standpoint. Has anything been signed or can this be reversed?

Town Manager Elizabeth Mascaro said it can be reversed. They could have the money put back into the Parks fund. Said it was budgeted in both years, 2024 and 2025. In 2025, it comes up as Ryckman Park money. The prior Commission was involved in doing street signs, decorative signs, etc. That Commission was still seated when the 2025 budget was approved. Page 49, \$40,000 for land and road. Fund 351 was designated with \$30,000 for signs and \$10,000 for Veteran's Park.

Mayor Alison Dennington asked for clarification about where and how this was budgeted. Thinks the money for signs could be reallocated to Code Enforcement.

Vice Mayor Dawn Barlow said Commissioner Robert Baldwin asked what needs to be done in order to edit this and said we've got to edit it by resolution.

Town Manager Elizabeth Mascaro spoke about how the money needs to be transferred to a specific line item because the money is restricted.

Commissioner Tim Reed made a motion to draft a resolution to transfer the remaining balance from fund 351, land and road improvements under Department 41 Public Works street signs, the remaining balance of \$29,569.04 back into the Ryckman Park Fund 175 in a new contingency line item; Commissioner Robert Baldwin seconded; Motion carried 5-0.

Mayor Alison Dennington clarified that this would go to a new line item under Ryckman, but would not be allocated to anything specific, so to take money out, they would need approval from the Commission.

Commissioner Tim Reed spoke about the \$50,000 expenditure for hurricane reimbursement. It was an unfunded fund that is negative. Asked to have a way to track when reimbursements come in.

Town Manager Elizabeth Mascaro said they could do that. Said she knows that the money spent for storm cleanup is close to being dispersed and will show up in the report as revenue received from FEMA.

Mayor Alison Dennington spoke about how the Town does not currently budget for hurricanes and believes the Town should budget for hurricanes every year.

Commissioner Tim Reed made a motion to approve the finance report; Commissioner Robert Baldwin seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

Mayor Alison Dennington spoke about voting against the finance report because the Town does not have a contract with BSE Engineering.

8. Department and Board/Committee Reports

A. Building Department

B. Public Works Department – 36:00

Mayor Alison Dennington had a question about minor road issues (mentioned Harland and Ocean), and if there are pictures taken when they are inspected. Mentioned it being hard to see around certain corners when driving because of plants, wants to know if Mr. Davis has a list of the more problematic areas.

Town Manager Elizabeth Mascaro said sometimes they do, if it needs repair work, they will take pictures. Says there is a list of problematic areas and line of sight issues on corners, sends a notice to people with overgrown plants because it is a code compliance issue.

C. Code Enforcement – 39:00

Town Manager Elizabeth Mascaro said the new Code Officer started the prior Monday. Issued several notices of violations since he has started. Also mentioned the software and making a decision on that and moving forward. Contacted the Magistrate and have a date set about the violations that have gone out, but is working on changing that date so the Town Clerk can be present. The Town Attorney suggested having a set date so everyone will know when the Magistrate meets.

Mayor Alison Dennington said she is happy with having a lot more information, and said having a category is nice but some of them do not have anything in the category section.

Town Manager Elizabeth Mascaro said it is currently showing blank but they are moving it to an excel spreadsheet to have more factual data so it reads a little cleaner.

Vice Mayor Dawn Barlow said 319 3rd Ave shows up twice with an open complaint on 12/13 and another complaint on 1/09.

Town Manager Elizabeth Mascaro said the new Code Officer entered it again when it was already in there. In the next report that will be removed.

Commissioner Anna Butler said she called in a complaint on her street for an unusual situation, it was before the new person started, but it was reacted to quickly and efficiently and there was good communication, so she wanted to state that because it was very helpful. The situation was a young man working for a lawn service company was allowing lawn remnants to be dumped in his yard. Said the man threatened the neighbors when the police were called.

Mayor Alison Dennington mentioned the custom certificate report for short term rentals, looks like several have failed their fire inspection. Asked when they fail an inspection, if they go past their registration, do they no longer have a registration?

Town Manager Elizabeth Mascaro said when they file, they file a renewal, they pay, once they've done that, the fire inspector goes out. If they fail, the Fire Department talks to them about why, some repairs are minor, and some are more costly. Follow up with them after that. For example, if the certificate expired in November and they didn't get done till January 1st, then the certificate expires in November of 2025.

Fire Chief Gavin Brown said it depends on the severity of the situation and is more of a case by case basis. For a brand new listing, they would not get their certificate until they passed.

Town Clerk Amber Brown suggested if drafting the letters is going to be a Task List item, the Commission should make a motion.

Vice Mayor Dawn Barlow made a motion to task the Fire Department for next meeting for the delineation between a minor and a severe infraction on STR certifications.

Failed for a lack of second.

Commissioner Anna Butler made a motion that the Fire Chief draft two separate form letters that we would need to approve, one for lesser egregious infractions and one for the more serious ones; Commissioner Robert Baldwin seconded; Motion carried 5-0.

D. Fire Department – 1:00:45

Fire Chief Gavin Brown spoke about the Fire Department recruitment efforts.

Commissioner Robert Baldwin asked how a fire hydrant breaks.

Fire Chief Gavin Brown said fire hydrants get old and break from rust or corrosion so they will leak, and this one broke during the yearly testing. Said there are 109 total fire hydrants in the Town.

Mayor Alison Dennington spoke about donations that were made and thanked the donors. Asked about hybrid certification programs. Asked about helping other areas with Fire and Water Rescue, and said she would appreciate that being tracked in the reports.

Fire Chief Gavin Brown said that program is the volunteer firefighter certification program, which is required to be a volunteer firefighter by the state of Florida. It is a mix of learning in person and at home. Said for 2024, for Fire and Water Rescue incidents, the Town helped others 16 times and the Town received help 15 times. Said he could track those numbers in the report.

Commissioner Tim Reed spoke about how last month's report had something about preparing to come to the Commission with a proposal regarding changes to the department and was wondering where things stand with that presentation.

Fire Chief Gavin Brown mentioned that he wants to hold a Town Commission Workshop sometime in February and that would be where that gets discussed.

The Commission discussed setting a date for the Workshop on February 5th, even though the Mayor will not be able to attend, and will include the Fire Department presentation.

E. Police Department – 01:12:55

Mayor Alison Dennington asked what FTO programs were. Asked about making the records digital. Also asked about assists.

Police Chief Tim Zander said those were the Field Training Officer programs for when someone new is hired. It is the same program they always had. It is usually 3 and a half months long. He said their papers are being scanned with the plan to get rid of 90% of the paper. Said that the volunteers are helping a lot with this project. Said he can track assists each month, can track when we assist them, but cannot track when they come to us.

F. Town Clerk – 1:17:20

Town Clerk Amber Brown wanted to reiterate that everything on the website is functioning, and if it is not to contact her because there would be an error. They are still working on digitizing the records, but that will be a new feature of the new website. Said there was a company that did the scanning and a separate company for the software. Said she could ask the software company to postpone charging but that the scanning pace is not on them.

Mayor Alison Dennington said that there is the initial scanning fee but then there's a yearly cost associated for housing the digitized information. Asked if a software fee was paid in 2024.

Commissioner Robert Baldwin said asking for a refund seems inappropriate since it is on the Town to scan the documents.

Town Manager Elizabeth Mascaro said they are having an intern to help very soon.

Commissioner Robert Baldwin asked about meetings with BIS Digital.

Town Clerk Amber Brown said that there have been issues with the software, volume was too quiet, issues transferring things to new computer, etc, so she is working on that.

Mayor Alison Dennington spoke about switching her Mayor hours to Wednesday from 10:00 am-12:00 pm. Asked about getting stationary for Commissioners.

Town Manager Elizabeth Mascaro said they have letterheads that they all use, can have notecards with the Town logo and names.

9. Public Comment (Non-Agenda Items) – 01:26:50

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.

10. Public Hearings/Special Orders

11. Unfinished Business

- A. Approval of the Regular Town Commission Meeting minutes November 20, 2024– 01:27:10

Commissioner Robert Baldwin made a motion that we approve the Regular Town Commission Meeting minutes for November 20th 2024; Commissioner Tim Reed seconded; Motion carried 5-0.

- B. Ordinance 2024-05 Chapter 74 Vacation Rentals – First reading – 01:28:05

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 74, “VACATION RENTALS”; AMENDING REGISTRATION REQUIREMENTS; PROVIDING ADVERTISING REQUIREMENTS FOR VACATION RENTALS; AMENDING PARKING REQUIREMENTS TO LIMIT AMOUNT OF VEHICLES AT VACATION RENTALS AND ADVERTISING REQUIREMENTS; AMENDING MAXIMUM OCCUPANCY CAPACITY AND ADVERTISING REQUIREMENTS; PROVIDING FOR BACKGROUND CHECKS OF OCCUPANTS OVER EIGHTEEN YEARS OLD; 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.

Town Attorney Ryan Knight spoke about the new highlighted updates are the references to the 1RS, 2RS, 3RS zoning districts, those have been struck through to be removed. The ordinance does have additions. 4RMO and 5RMO zoning districts have a separate code

provision that rentals must be a minimum of 30 days, so they would not be able to get a short term rental certificate. Clarified this ordinance is not banning short term rentals in 1RS, 2RS and 3RS units.

Mayor Alison Dennington spoke about the highlighted changes.

Town Attorney Ryan Knight said there are two remaining issues, one was the owner occupied exemption, could not remember if there was consensus regarding that issue. The other issue does not have to do with this ordinance but is regarding the sexual predator language. Temporary residence currently states someone would have to reside for a period of four or more days. Suggested changing the language from temporary residence to lodging which would allow changing the language from 4 consecutive nights to just saying no overnight sexual predators can stay within 2,000 feet of a school or a park which would be all of Melbourne Beach. Could still pass them tonight.

Mayor Alison Dennington mentioned that at the workshop there seemed to be consensus among the Commission for removing the owner occupied exemption. Mayor Alison Dennington, Commissioner Tim Reed, and Commissioner Anna Butler agreed to wanting the owner occupied exemption removed.

Town Attorney Ryan Knight said that section could be removed, the Commission would just need to figure out if the inspections want to be different for that, would just need to amend the ordinance at a later time.

Mayor Alison Dennington spoke about the fee aspect, and working on the language.

Town Manager Elizabeth Mascaro spoke about how there is a fee to apply, there is an inspection fee, and then every time we go back, there is an additional charge. One bedroom does not require an inspection by State Statute. Said the Vacation Rental Fee Schedule can be brought forward next month.

Vice Mayor Dawn Barlow spoke about a person that rents their whole house but they are considered owner occupied and wants to clarify there is a difference between that and renting out one bedroom.

Commissioner Anna Butler asked if the County oversees if someone is getting a homestead and doing an STR and do they notify the Town.

Town Manager Elizabeth Mascaro said the County does have oversight, they ask the Town for help because they are overwhelmed.

Mayor Alison Dennington mentioned adding to the Task List that the Town Manager could email the county about this issue.

Commissioner Tim Reed said his opinion is that the current code conflicts with the land development code. In 1RS, 2RS and 3RS, there is a provision that if the use is not listed then it is not allowed. - 1:42:00

Mayor Alison Dennington said that is why 1RS, 2RS and 3RS were removed from the ordinance. Believes we need to pass this to have occupancy limits and parking limits. After the ordinance is passed, we could always revisit it to get an opinion.

Commissioner Tim Reed said why not get those opinions first.

Mayor Alison Dennington said this is a legal issue of interpretation and opinions of the interpretation may differ, it could end up being up to the courts, not the Town Attorney's opinion.

Town Attorney Ryan Knight spoke about how the LDC was changed in 2017 that changed the definition of dwelling which opened the door for rentals of less than 7 days in 1RS, 2RS, and 3RS. Said there are AGO opinions that STRs can be in residential zones. The other option the Town would have is to try to ban STRs in 1RS, 2RS and 3RS but there would be litigation.

Commissioner Tim Reed said they are not proposing a ban, but spoke about not accepting new applications.

Town Attorney Ryan Knight said there would be no authority under the ordinance to just stop accepting applications.

Mayor Alison Dennington spoke about passing this ordinance without a reference to 1RS, 2RS, and 3RS zones then it reverts to the Land Development Code. Then it would allow us to approach several other cities to get the Supreme Court to decide.

Commissioner Tim Reed spoke about how the original ordinance was adopted in error and violated the LDC. - 1:54:55

Mayor Alison Dennington suggested someone make a motion for the Town Attorney to finish looking into the changes and report back.

Town Attorney Ryan Knight clarified that the discussion about the error is related to the LDC update that was done to change the definition. The only other new change is in 74-40 (a) to remove the penalty of arrest because the point is for noise violations is to go through code enforcement.

Commissioner Tim Reed spoke about how he is not an attorney but does believe there is some authority that we can go in front of to get a stand on it. Said our neighborhoods matter.

Mayor Alison Dennington said we are at an impasse with this issue, and pressing it is doing a disservice to Commissioner Tim Reed's own cause.

Commissioner Tim Reed agreed to disagree.

Town Attorney Ryan Knight said that when he hears authority, he thinks of a court, but what he believes Commissioner Tim Reed means is a second opinion from another attorney or law firm. The Commission would be free to get a second opinion. Mayor Alison Dennington and Town Attorney Ryan Knight discussed routes to get this to the Supreme Court including filing a declaratory judgement.

Commissioner Tim Reed asked Town Attorney Ryan Knight to provide the Commission with an email on the delineation of that path.

Commissioner Robert Baldwin asked about getting a second opinion from another attorney and an estimation of that cost versus a declaratory judgement. 2:04:30

Town Attorney Ryan Knight said you would be looking at \$300-350 an hour for an outside attorney's help. Does not know the amount of hours, but guessing a total of \$10,000.

Mayor Alison Dennington said she has already started speaking with other cities to go through that route and does not believe they need a second opinion. Clarified that the owner occupied exemption is supposed to be taken out. Asked if safety could be added to the whereas clauses and spoke about beefing it up. Also mentioned that language directly and indirectly impacted.

Town Attorney Ryan Knight said he can add to the whereas provisions but it would essentially be what would be included in the findings of fact.

Vice Mayor Dawn Barlow asked about the term lodging and if it needs to be captured in definitions.

Town Attorney Ryan Knight said no, because that would be defined in section 73-52.

Commissioner Anna Butler asked about dwelling unit and living unit, and if we need to put in kitchen facilities.

Mayor Alison Dennington said she spoke with Bruce Larson about having an issue with the language, one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit. Leaves potential for ambiguity.

Town Attorney Ryan Knight said that definition is the same as what is in the LDC.

Mayor Alison Dennington spoke about how the owner-occupied definition seems overly complicated.

Town Attorney Ryan Knight said that since the owner occupied exemption is being moved, the definition is not necessary.

Mayor Alison Dennington asked if there could be language like, some vacation rentals that do not rent the entire house and only rent one room, there is discretion for a reduced fee.

Town Attorney Ryan Knight said there would have to be some type of guideline for that.

The definition of owner-occupied will be struck.

Mayor Alison Dennington spoke about how the language of 74-15 ought to say the owner and the responsible party.

Town Attorney Ryan Knight spoke about how the definition of responsible party is the owner or the person designated by the owner, so it would be redundant.

Commissioner Robert Baldwin, Commissioner Anna Butler, Vice Mayor Dawn Barlow, and Commissioner Tim Reed agreed that the definition of responsible party covers it.

Recess 8:25 pm-8:30 pm

Town Clerk Amber Brown conducted a roll call.

Commission Members Present

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

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Fire Chief Gavin Brown
Town Clerk Amber Brown

Mayor Alison Dennington spoke about taking out the landline section. Mentioned requiring the street address be posted since that was the point of the landline anyway in emergencies.

The Commission agreed.

Town Attorney Ryan Knight verified page 129 section 11 would be struck, and replace it with the same language the Town has requiring the street address be posted.

Town Clerk Amber Brown said the language used is, in case of an emergency the street address should be posted in several locations throughout the property including the pool area, the kitchen, and the bathrooms.

Mayor Alison Dennington mentioned taking out in case of emergencies. Spoke about page 129 using the word shall instead of must, (shall being more concrete, must being more ambiguous).

The Commission agreed with using shall.

Mayor Alison Dennington spoke about adding something requiring owners to certify if they sell the property the new owner would have to apply for a registration. Stressed it is important to be clear that future bookings do not carry over. - 2:37:45

Town Attorney Ryan Knight said that with a change of ownership they are already required to get a new application. Says that future bookings do not carry over and believes requiring a new application is enough to convey that.

Vice Mayor Dawn Barlow asked about other types of change of ownership and got clarification that this applies to any form of change of ownership.

Mayor Alison Dennington spoke about how 74-18 says one year after registration, and suggested changing it to one year after the certification date.

Vice Mayor Dawn Barlow said if the Town is evaluating software, is any of this approval and registration going to be captured digitally?

Town Manager Elizabeth Mascaro said they issue the certifications and will continue to do so even if they use the software.

The Commission agreed to change the language to the certification date.

Mayor Alison Dennington spoke about 74-22, the last sentence add, or the official zoning map designations. - 2:48:20

Town Attorney Ryan Knight spoke about how the zoning map would fall under the Code of Ordinances. Said he thinks it would be redundant, but it would be up to the Commission. Suggested the official zoning map as provided in 7A-15 of the LDC.

Vice Mayor Dawn Barlow asked if this was needed or redundant and if it was defined.

Mayor Alison Dennington spoke about section 74-24, and suggested where it says vacation rental properties, adding that they have a current, valid, approved written certificate of registration.

The Commission agreed.

Commissioner Robert Baldwin clarified that the certificate of compliance is the certificate that they have been speaking about, the certificate of registration. Suggests taking out compliance.

Town Manager Elizabeth Mascaro said they call it a vacation rental certificate, but would need to check that it does not say vacation rental certificate of compliance.

Mayor Alison Dennington spoke about the importance of using the same language throughout in regards to the certificate and speaks about the ambiguity of certain language, such as the word partial. Discussed the section about advertising requirements and having 180 days to comply.

Town Attorney Ryan Knight spoke about striking that section, section 74-24. Renumber the remaining sections.

The Commission decided to leave the first sentence that it will become effective March 1, 2025. Makes it clear and numbers would not need to be changed for remaining sections.

Commissioner Anna Butler spoke about not keeping photo IDs. - 3:08:22

Mayor Alison Dennington spoke about getting photo IDs, but only keeping them for 6 months.

Vice Mayor Dawn Barlow asked if there are background checks, is it necessary to keep IDs.

Mayor Alison Dennington said that to do a background check, they need to get IDs.

The Commission agreed for section 74-25 to change the one year to 6 months.

Commissioner Tim Reed spoke about section 74-36 (D) adding the requirement of a fire extinguisher outside by any grill, fire pit, or outside kitchen.

Commissioner Robert Baldwin spoke about how the language could say open flame.

The Commission agreed.

Mayor Alison Dennington got clarification about several things on page 135 section (B), and asked about sections (4) and (5). Asked who they are referring to by "the Town", suggested changing that language to only the Town Manager.

The Commission agreed.

Mayor Alison Dennington spoke about page 136 and to strike section 74-37(7) which mentions if an STR remains expired for an excess of 60 days any grandfathering shall be deemed abandoned. Said the 10-year compliance was struck last time, now it's to the end of registration.

The Commission agreed.

Mayor Alison Dennington spoke about 74-38(D), occupants and or owners or both can be cited.

Town Attorney Ryan Knight said if the occupants do something that is a code violation, the owner would be cited, i.e. parking issues. Also spoke about how section 74-36(A) mentions landline, so that will need to be taken out as well.

Commissioner Robert Baldwin spoke about referencing the noise ordinance.

Mayor Alison Dennington asked if a STR is doing construction, can they rent during it..

Town Attorney Ryan Knight said it would depend on the type of construction.

Mayor Alison Dennington spoke about striking all references to landlines. Mentioned 74-50, preexisting future contracts for rental, mentions occupancy levels. She wants to change the language.

Town Attorney Ryan Knight said he could change that so there is a time period on that.

The Commission agreed to strike Page 141 section 74-51 owner-occupied exemption.

Joyce Barton – 322 Third Ave – *Spoke about how this topic has been discussed for years, and asked how this could possibly be considered a first reading with so many important changes. There are many residents that are being affected by this. Do we need to overregulate? She has no idea where the owner-occupied stands right now. The packet included it, mentioned the walk on and now it is being stricken through. Believes there will be lawsuit possibilities. Why are other businesses in Town only paying \$50.00 per year and \$79.50 for an inspection? Would like clarification on the grandfathering.*

Mayor Alison Dennington clarified that the walk on is one line item that was changed and had already been discussed in December, same with owner occupied exemption.

Ken Lebrato – Cherry Drive – *Spoke about being concerned with removing the landline because cell phones do not give the exact location. Has had STRs around him call 911 and they ended up at his home. People who are from other parts of the country are not familiar with the area and emergency evacuations and the phones can do reverse 911 notifications.*

Bruce Larson – 1507 Pine St – *Spoke about the current owner occupied exemption is way too broad, of course they should have less fees. Spoke about homestead exemptions being taken out. Page 130 74-18, add void on sale of property, page 131 74-24 the 180 days was to get anyone not complying to compliance, page 133 74-25(D) 6 months is not okay, should be through the end of the current registration period, page 135 74-35(C) should be the lesser or one year or the end of the contract registration certificate, page 140 74-51 should have never been there to begin with.*

Mayor Alison Dennington and Commissioner Robert Baldwin asked clarifying questions.

Mark Emerson – 512 Ocean Ave – *Spoke about how there are a lot of people in Town on a fixed income, someone might need to rent a room in their home to make a little extra money. You have no idea how many rental problems are in this community, or how many people are renting out one bedroom in order to survive. There needs to be some compassion and understanding. You are finding a way to penalize them.*

Charles Leps – 212 Cherry – *Thanked the Commission for their perseverance on the issue. What needs to be done is control and regulation. They are running a business, most are whole-home rentals. What kind of future do we want, and how do we preserve the Town?*

Gail Gowdy – 215 Ash Ave – *Spoke about this has been a long time, but this is necessary. Most of our Town is residential and we want to preserve that. Be mindful of how it impacts people that live here.*

Town Attorney Ryan Knight spoke about how there is a valid point that there are 20 changes being made, so there is an argument that someone could challenge it.

Mayor Alison Dennington mentioned that some of the changes should have already been made coming into this reading.

Commissioner Robert Baldwin mentioned doing the second reading at the Special Meeting on January 27th.

Commissioner Robert Baldwin made a motion to postpone first reading of the short term rental ordinance to the upcoming workshop on January 27th, and ask the town attorney to incorporate all of the changes that we've discussed tonight into that and have that to us at least 5 days ahead; Commissioner Anna Butler seconded; Motion carried 5-0.

Commissioner Robert Baldwin spoke about how he was not originally in favor of getting rid of the owner occupied exemption, believes proving financial hardship would be difficult. Likes the idea of having different requirements for single room, or 1-2 occupant rentals.

Commissioner Tim Reed asked for clarification if Commissioner Robert Baldwin was wanting people to prove financial hardship.

Mayor Alison Dennington, Commissioner Anna Butler, and Commissioner Tim Reed spoke against it.

Vice Mayor Dawn Barlow spoke about struggling with it because they discussed having uniform regulation across the board, but maybe it needs to be reassessed in the future.

C. Ordinance 2024-06 Chapter 48 Noise Control – First reading – 3:59:00

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.

Commissioner Tim Reed spoke about page 148 having an exemption for generators.

Commissioner Anna Butler spoke about it being on page 149, number 6.

Commissioner Tim Reed asked about page 148, Table 1, sound levels and time periods, is that a change, are those the same times?

Commissioner Robert Baldwin said it was changed at the workshop and has not changed since the workshop.

Mayor Alison Dennington thought the time was earlier on weekdays, but got confirmation that it was not.

Vice Mayor Dawn Barlow asked if there was discussion around exceptions to early start time on a weekend, like on a Sunday.

The Commission said there was no discussion around that.

Commissioner Tim Reed mentioned this is another example where we are enacting this and time will tell if we need to adjust.

Town Clerk Amber Brown mentioned keeping the ordinance number the same so it can be tracked.

Town Attorney Ryan Knight read the ordinance.

Vice Mayor Dawn Barlow made a motion that we approve Ordinance 2024-06 Chapter 48 Noise Ordinance on the first reading; Commissioner Robert Baldwin seconded; Motion carried 5-0.

D. Consideration on contracts for vacation rental tracking companies – Town Manager Elizabeth Mascaro – 04:05:30

Town Manager Elizabeth Mascaro spoke about having 2 meetings with GovOS. Their cost is \$30,000 whereas Deckard was \$13,500 for the same thing. Strongly suggested approving Deckard. They can also get up and running faster than GovOS.

Commissioner Robert Baldwin asked what the 24/7 live hotline is for. Will this take the burden off of Town Staff and Police?

Town Manager Elizabeth Mascaro spoke about how that would be a hotline for residents to call in complaints, they could also contact the owners or responsible party and call police when needed. The number would be published so people know to call it. Feels this will take a burden off Town Staff and Police especially on nights and weekends.

Commissioner Anna Butler asked if the complaint could be anonymous.

Town Manager Elizabeth Mascaro said they do have to leave a name for code violations or they cannot execute on that, does not know if that company makes that determination or not. Said she will ask the company that specific question. The software company will also reach out to VRBO, AirBNB, etc, if there is a problem, they handle that communication.

Commissioner Robert Baldwin asked if other municipalities have provided feedback.

Town Manager Elizabeth Mascaro spoke about getting good feedback from other municipalities.

Mayor Alison Dennington likes the hotline, if people don't call they can change it later.

Commissioner Tim Reed asked about the online complaint form, if that is included and if it is a publicly available form. How would we provide that to people?

Town Manager Elizabeth Mascaro said they can access everything through the portal.

Mayor Alison Dennington confirmed that if they are posting on AirBNB, the company will call AirBNB if there is no certificate number.

Town Attorney Ryan Knight said that before this agreement is signed there needs to be additional changes such as providing for public records law and changing the venue to Brevard County. -1:14:55

Vice Mayor Dawn Barlow asked about the budget.

Town Manager Elizabeth Mascaro said \$50,000 was budgeted for the software.

Mayor Alison Dennington spoke about doing a resolution to move the remaining funds.

Town Manager Elizabeth Mascaro spoke about some of the remaining funds would go towards the cost of hiring a full time code enforcement person.

Bruce Larson – 1507 Pine St – Spoke about holding on the budget until you see what's needed.

Vice Mayor Dawn Barlow made a motion to approve the Town Manager entering into an agreement with Deckard Technologies in the amount of \$13,500 subject to the revisions in the agreement by the Town Attorney; Commissioner Anna Butler seconded; Motion carried 5-0.

12. New Business

- A. Consideration of adoption of Interlocal agreement between the City of Indian Harbour Beach and the Town of Melbourne Beach regarding automatic aid for fire protection and rescue services – Fire Chief Gavin Brown – 04:21:25

Fire Chief Gavin Brown spoke about how the agreement is to do automatic aid with the City of Indian Harbour Beach at no cost unless the are consumable materials used. Said they are currently in a mutual aid which means they need to request help and an automatic aid means they will automatically help which will save time. Spoke about the sections changing numbers and about the changes to Section 10, which allows the fire chief to develop a plan to put this into place. Section 11 was added, saying this is going to be public record. Section 12 was added about jurisdiction venue and choice of law. Section 13 was added, saying they would each be responsible for their own attorneys fees and costs. Section 14 was added for severability. Section 15 was added which will each hold each other harmless. Section 16 was added for assignment, legal things. Section 17 was added, more legal stuff, nothing that changes the substance about independent contractors. Section 18 was added, agreement is whole as is, if we want to change something, the parties need to agree in writing between the Town Managers. This allows

Fire Chiefs to modify in writing mutually agreed sections 3A-3H. Gives the ability to change things down the road, such as the number of firefighters being sent.

Commissioner Robert Baldwin said they are also a volunteer department, so this would not fix the issue of getting on scene quickly.

Fire Chief Gavin Brown said they are further away so it does not fix the issue of Indian Harbour Beach backing out but adds a layer of protection. Is going through this process because the agreement with Indian Harbour Beach was not a formal agreement through the Commission.

Mayor Alison Dennington said Section 16, the assignment clause is confusing.

Town Attorney Ryan Knight said they could assign it as long as there was prior written approval.

Mayor Alison Dennington asked about Section 10. - 4:29:40

Fire Chief Gavin Brown spoke about how every municipality in the county has a mutual aid agreement. This is an automatic aid so there does not have to be a request and it's only for structure fires.

Mayor Alison Dennington spoke about adding an addendum when the logistics are figured out. Concerned about how much larger they are than Indian Harbour Beach.

Fire Chief Gavin Brown spoke about how the two departments are comparable in fire vehicles, members, and call numbers.

Commissioner Tim Reed spoke about how the automatic aid is only for structure fires. Why does this agreement reference the mutual aid in Section 2 (B)?

Fire Chief Gavin Brown said this slightly changes the mutual aid agreement. For other call types, either party can request mutual aid prior to getting on scene. For example, one day we are short staffed, prior to getting a vehicle on scene we can request them for any call type.

Commissioner Tim Reed spoke about it would be a cleaner document if the document was only for automatic aid and did not include mutual aid. Asked how he knows they need additional help before being on scene. Does Indian Harbour Beach have a similar agreement with Satellite? Is Indian Harbour Beach going to be involved?

Fire Chief Gavin Brown spoke about how if only he shows up at the fire station, he will need additional help when he gets on scene, one of the disadvantages of a volunteer fire station. Also spoke about how Indian Harbour Beach is currently working on a similar agreement with Satellite. Indian Harbour Beach previously opted out of our automatic aid agreement.

Town Manager Elizabeth Mascaro said they have not responded when she has asked.

Mayor Alison Dennington asked about where it specifically says structure fires. Mentioned that the word only would make it more clear.

Fire Chief Gavin Brown said the first sentence in Section 2(A) says hereby agree to provide automatic aid for all structural fire incidents including residential and commercial structures.

Vice Mayor Dawn Barlow made a motion that we approve the Interlocal Agreement between the City of Indian Harbour Beach and the Town of Melbourne Beach regarding automatic aid for fire protection and rescue services; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- B. Discussion on adopting a resolution supporting the 2025 Florida League of Cities Legislative Platform – Mayor Alison Dennington – 04:49:20

Mayor Alison Dennington spoke about how this would be to create a resolution supporting the 2025 Florida League of Cities Legislative Platform.

Commissioner Tim Reed spoke of it being an all or nothing deal, and does not understand the affordable workforce housing item. Said there is nothing clearly laying out what their position is. Suggested tabling this.

Mayor Alison Dennington spoke about how essentially you can build a four story structure if it is for affordable housing and the League of Cities is against that. Says they don't like the provisions the legislature has passed saying you don't have to go through local permitting, if they don't respond within 30 days, it gets automatically approved.

Vice Mayor Dawn Barlow asked what has been our historical participation in this.

Mayor Alison Dennington said they have pretty much always done these, not passing it would be unusual.

Commissioner Tim Reed made a motion to table the adoption of the Resolution supporting the 2025 FLC Legislative Platform until the next RTCM; Commissioner Robert Baldwin seconded; Motion fails 2-3 with Mayor Alison Dennington, Vice Mayor Dawn Barlow, and Commissioner Anna Butler dissenting.

Vice Mayor Dawn Barlow made a motion that we adopt the resolution supporting the FLC Legislative Platform; Commissioner Anna Butler seconded; Motion carried 3-2 with Commissioner Robert Baldwin and Commissioner Tim Reed dissenting.

- C. Consideration to amend Resolution 2023-10 Town Commission Rules and Procedures – Commissioner Anna Butler – 04:55:17

Commissioner Anna Butler spoke about residents not wanting to attend meetings because they are too long, there is a lot of time wasted, and this would incentivize people to do their homework and meet with department heads prior to be able to shorten meetings.

Mayor Alison Dennington spoke about trying to have meetings with staff and they are either not there, or they do not get back to her. Spoke about having a workshop on Robert's Rules. There are ways for the Commission to limit debate. Suggests the Commissioners to make a motion to limit the debate.

Commissioner Anna Butler spoke about it being too easy to ignore procedures when we want to. This would incentivize us to follow the rules and speed things along.

Mayor Alison Dennington spoke about how it has been like this for a long time, before she was Mayor. Said they needed to get through the tough issues the meetings will be shorter. The Commission can make a motion to limit debate. Concerned about limiting it to 9:30pm because we wouldn't be able to get to everything. Would like to move things around. Have a workshop where we go through it and come up with some rules.

Commissioner Anna Butler spoke about including an example from Robert's Rules, how do you call the question. Spoke about rearranging the order of the agenda. Switch public comment and department reports.

Mayor Alison Dennington said there is a new term for call the question, that you call a vote or end debate. Said public comment is currently at 9 and it would move to 7 which is still after department reports. Asked about requirements to approve the agenda.

Town Attorney Ryan Knight said there is no specific legal requirement for approving an agenda, it's usually a quick thing. You can have public comment on non agenda items at the beginning if you want.

Vice Mayor Dawn Barlow asked if the motion to limit debate would have to be made per section.

Town Attorney Ryan Knight said that if the Commission agreed, you could limit the amount of time to whatever you wanted. 10 minutes is long with 5 people, that's an hour per issue.

Vice Mayor Dawn Barlow spoke about how the public gets 3 minutes, and suggested the Commission could have 3 minutes plus a 2 minutes rebuttal.

Mayor Alison Dennington spoke about having questions that go unanswered before the meeting so she cannot come to the meeting with all the information she needs. Says if they could get answers to her within 7 days she would not need to go through it at meetings.

Commissioner Robert Baldwin said he liked the idea of limiting the length of meetings, thinks it will force efficiency and believes it works better than limiting the time to speak.

Commissioner Tim Reed spoke about not being in favor of a hard cut off, because we have to get through the material or it will just lead to more meetings. Would prefer to have the materials a week before the meeting. Would prefer to have public comment between 3-4, and have the Town Manager's report be with the department reports.

Vice Mayor Dawn Barlow spoke about workshopping this at the February 5th meeting. Come up with ways to make these meetings more efficient.

Gail Dowdy – 215 Ash Ave – Appreciates the subject coming up, but it would be a disservice to cut yourselves off at 9:30 pm. Getting public comment earlier is always a good thing. Robert's Rules, get the book and start reading.

Bruce Larson – 1507 Pine St – Spoke about being on the right path. The real goals are participation so if there is a detriment then that needs to be rectified, need transparency, do not limit the meeting because that will affect transparency, and progress. Need to get the packets out 7 days in advance. Room to play with the order of the agenda.

Vice Mayor Dawn Barlow made a motion that we table this and shift to the workshop the first week of February as it relates to the consideration to amend the 2023-10 Town Commission Rules and Procedures; Commissioner Tim Reed seconded; Motion carried 5-0.

Mayor Alison Dennington mentioned she will not be attending that meeting but will send some material to the clerk.

D. Discussion and recommendations on the proposed task list – Vice Mayor Dawn Barlow – 05:24:25

Vice Mayor Dawn Barlow spoke about the task list not being utilized for the past year, and with there being 4 new Commissioners this is a list of items. Thinks there are some items that can come off the task list and go into the Town Department Reports. Believes other things should remain on the task list such as short term rentals ordinance language changes, P&Z foundation height and tree removal and replacement, stormwater, budget being incorporated in April timeframe, reviewing contract and Town policies and procedures, Magistrate backup, boat ramp, Fire Department presentation and sand tennis.

Mayor Alison Dennington said a solution could be at the workshop, coming up with definitions of task items, to do items and basic outlines of reports. Spoke about adding Special Reports to department reports for updates on things. Also mentioned Mayor for a Day and what needs to be done to get that going.

Vice Mayor Dawn Barlow said this was an opportunity to be a working document for everybody to review and add items to. Is not opposed to coupling this with the meeting structure at the February Workshop and spearheading where specific items need to fall.

Commissioner Tim Reed confirmed that the consensus is to move this to a workshop.

Mayor Alison Dennington reminded that nothing can be voted on at the workshop but that it can be discussed and brought to the Regular Town Commission Meeting.

Commissioner Anna Butler said the topic of forming definitions is not necessary.

Vice Mayor Dawn Barlow agreed it did not need to be overcomplicated with definitions.

Mayor Alison Dennington said there is no official definition but that the Town Manager has her own definition because she will not put certain things on the task list.

Town Manager Elizabeth Mascaro said that is not true. Explained that certain things like the short term rental ordinance changes, that is for the Town Attorney, that is not a task. Things like reports from P&Z are updates and they can be updated on the reports. A lot of this would fall under department reports.

Vice Mayor Dawn Barlow expressed how she does not want certain topics to fall into no man's land and not have updates and not have forward momentum.

Town Manager Elizabeth Mascaro said she has a lot of these things also coming on her report, and just wants the Commission to decide how this will work.

Mayor Alison Dennington said she finally understands what the task list is, said updates are all she has been wanting. Could potentially say there are task lists that are things that have been voted on to do, but other things are items of ongoing special interest which could be an item that needs an update.

E. Approval of the Regular Town Commission Meeting minutes December 18, 2024 – 05:43:45

Mayor Alison Dennington spoke about page 10 to add BSE where it just says engineering.

Commissioner Anna Butler said this is a good example of things that could have been received by the Commission beforehand to avoid going over in the meeting.

Commissioner Tim Reed made a motion to table this until the next meeting; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

Mayor Alison Dennington clarified with the Town Clerk that she could send it in an email.

13. Administrative Reports

A. Town Attorney

No additions.

B. Town Manager – 05:48:05

Town Manager Elizabeth Mascaro spoke about not receiving a response from the County Attorney yet regarding Old Town Hall. The Building Official went to see if any other repairs would be needed structurally. The contract does not expire until October of 2026, there is a 5-year extension clause. Asked if they would consider selling the building or the land back to the Town. The question of ADA compliance was brought up. In this year's budget there is \$12,500 budgeted for the roof. Basin 1 meeting is scheduled for January 29th. Should have the plans for engineering and break out the phases and what order should they be done in. Met with the former Town Manager for Palm Bay who is now the Assistant City

Manager for Satellite about stormwater grant money, how Melbourne Beach can get that done quickly. Spoke about the ramp and the Goodson Paving project.

Mayor Alison Dennington confirmed that the ramp will be in by the next election.

Vice Mayor Dawn Barlow asked if the stormwater meeting would be taped.

Town Manager Elizabeth Mascaro said they could record it but there would not be minutes. Spoke about the Christmas Fund – there was not \$12,500 spent. There was only \$4,592.44 and \$1,292.81 in public donations. Said the Goodson Paving project is pretty much done. The engineer has inspected the work. It will be a couple more months before the sod in Circle Park is replaced, so it is done during the growing season.

Mayor Alison Dennington also asked about having an inventory of contracts, lists the contract, the parties to the contract and the expiration date.

Town Manager Elizabeth Mascaro said we do have an inventory of contracts, it is by vendor.

14. Commission Reports

15. Task List

16. Public Comment

17. Adjournment


Commissioner Robert Baldwin made a motion to adjourn; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

Meeting adjourned at 12:01 p.m.



Alison Dennington
Mayor

ATTEST:



Rachel Pembrook (Feb 19, 2025 15:35 EST)
Rachel Pembrook
Transcriptionist

