

# Town of Melbourne Beach

## SPECIAL TOWN COMMISSION MEETING January 27, 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 roll call

#### Commission Members Present

Mayor Alison Dennington  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

#### Staff Members Present

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

#### Commission Members Absent

Vice Mayor Dawn Barlow

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

Mayor Alison Dennington led the Pledge of Allegiance.

Mayor Alison Dennington spoke about parts of Robert's Rules of Order. Said there is a workshop coming up to discuss this matter, but she cannot attend and wanted to touch on a couple specific things. Said that debate opens when someone makes a motion, so you are allowed to speak after there is a motion. Chair can interrupt for a point of information or

clarification. Speaking before recognition, said the Commission in the past has had a custom and practice of allowing open debate. If a member says point of order, the Chair has to resort back to regular rules. Says going forward she will require recognition before speaking, each member will be called on and has the opportunity to speak twice. For any reason ahead of time, any member can say, I would move that we suspend formal debate so we don't have to wait to be called on. The chair is not supposed to be the one to do that. Members can move to limit or extend debate on any particular issue. Robert's Rules has a specific discussion on small town councils and says that if the chair is a voting member, they have every right to discuss and debate things, they just have to pass the gavel. Said a member cannot move to limit or end debate if everyone has not gotten the chance to speak. Suggested turning on microphones as an indication that a member wants to speak.

#### **4. Public Comments – 12:04**

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.

None

#### **5. New Business – 14:00**

##### **A. Ordinance 2024-05 Charter 74 Vacation Rentals – First reading**

**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; REMOVING THE EXEMPTION FOR OWNER-OCCUPIED VACATION RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Ryan Knight read the title Ordinance 2024-05 Charter 74 Vacation Rentals.

**Commissioner Tim Reed made a motion for informal limited debate with a maximum time of 15 minutes per person; Commissioner Anna Butler seconded; Motion carried 4-0.**

Commissioner Tim Reed said he felt this first reading did not completely address the issue of fire inspection for owner occupied units. His recommendation based on what the Fire Chief has said is that we would need to exempt the fire inspections on owner occupied.

Commissioner Robert Baldwin asked if he said anything about if there is just one rented bedroom, that does not require an inspection.

Commissioner Anna Butler said she believes he did say that, but if we are going to require that they no longer get an exemption, then won't they be adhering to the same regulations as far as registration which would include inspections.

Mayor Alison Dennington said there is nothing that says you can't inspect at all but there's also nothing that says for this limited space you have to inspect all of it. Could say it can be waived for certain limited subset. Have some flexibility in this requirement because there is not a state requirement about this issue.

Town Manager Elizabeth Mascaro said if they are owner occupied and renting one bedroom, there is not an inspection required.

Commissioner Robert Baldwin asked if that is something we can relegate to policy, we don't have to define every nuance of fire inspections in this provision.

Town Manager Elizabeth Mascaro said the owner occupied rental could indicate how many bedrooms they are renting out so the Town can determine if they would be subject to an inspection.

Town Attorney Ryan Knight said that is not something that would specifically have to go into the ordinance, it would be more on the policy and procedures side.

Mayor Alison Dennington said that the Fire Chief could write up a memo that says in these cases, these are the requirements. Could also use this as a basis for a reduced fee structure as well.

Commissioner Tim Reed said he liked that idea, he had been struggling to see where it was addressed.

**Commissioner Tim Reed made a motion to task the Fire Chief to create a policy for owner occupied short term rentals related to fire inspections; Commissioner Robert Baldwin seconded; Motion carried 4-0.**

Mayor Alison Dennington said she was pleased with the updated version. Said there are still places that do not say certificate, like provisions 74-22, 74-21.

Commissioner Anna Butler said there was one at 74-17A.

Town Attorney Ryan Knight said he can do a strikethrough.

Mayor Alison Dennington said she was confused about potential conflict or ambiguity about when the responsible party has to be available for what circumstances, referenced 74-25.

Town Attorney Ryan Knight said that a code violation could fall within the 24 hours because it is a complaint. There would not be a code enforcement officer calling at midnight, that would end up being a police officer, so that would fall under responding to police.

Mayor Alison Dennington asked about citations issued to renters, gave the example of a car being parked where it's not supposed to.

Town Attorney Ryan Knight said that the citation would go to the owner of the vehicle but there could also be a code violation sent to the rental property owner.

**Commissioner Anna Butler made a motion to pass Ordinance 2024-05 as revised this evening; Commissioner Robert Baldwin seconded;**

***Gary Prutow – 228 Sixth Ave - 32:50 - Spoke about how reasonable regulation is not an issue and should be expected. Don't punish good residents that have always followed the rules. Requested the grandfathering be extended. Said the part about sex offenders will be hard to pull off. Believes owner occupied should remain exempt.***

***Jan Futch-Guilbeau – 806 Oak – Spoke about how the sex offender check has to stay.***

***Joyce Barton – 322 Third Ave – Spoke about her concerns with lumping owner occupied STRs with others. Believes the inspection might be a property rights issue, and the inspection might cause an issue with homestead exemptions. Feels there is overregulation.***

**Commissioner Robert Baldwin made a motion to allow Joyce Barton to finish her comment for up to two minutes; Commissioner Anna Butler seconded; Motion carried 4-0.**

***Mark McBride – 310 Second Ave – Spoke about having three vacation rentals around his home and the proposed parking requirement still allows more vehicles if they are visitors. Wants it to say occupants and visitors must be in the driveway. Spoke about how the noise violation regulation needs to be addressed and the owner needs to be held responsible.***

***Town Clerk Amber Brown read a public comment received from Sherri Quarrie – 701 Pine St – Do not remove the definition of owner occupied, do not group owner occupied with any others, and keep landlines.***

Mayor Alison Dennington said that in regards to the landline issue, asked the Town Attorney that in a situation regarding a boil water alert, would the Town be liable if someone were to get sick.

Town Attorney Ryan Knight said that the Town would not be liable, if you're putting it on the website, that would be enough notice.

Commissioner Robert Baldwin brought up the parking issue Mark McBride brought up during public comment and could see guest parking being an issue.

Mayor Alison Dennington said she remembered discussing it, but said the Town Attorney revised it saying after a certain amount of time a guest becomes an occupant. Said if there is an issue in the future with guest parking that keeps coming up even after these changes have been implemented, they can address that strategically at that point.

Town Attorney Ryan Knight said the maximum collective number of automobiles will be limited to 4 at any vacation rental, so if there are more than 4 there is a violation. Said it would be difficult for the police to distinguish if cars are there for a STR or another home.

Commissioner Anna Butler said maybe it would help if the police had a list of STRs, if there are several on one street perhaps police can do more drive-bys.

Commissioner Robert Baldwin asked if neighboring communities maintain owner occupied exemptions.

Town Attorney Ryan Knight said many of the Towns that he looked over do maintain owner occupied exemptions, but some do, some don't.

Mayor Alison Dennington said some of the Towns have it to where you cannot rent for less than 3 months, so their STR regulations would not be an accurate comparison.


Commissioner Tim Reed clarified that this is the first reading that is being voted on, but they are still going to do a second reading.

**Motion carried 4-0.**

## **6. Adjournment**

**Commissioner Robert Baldwin moved to adjourn; Commissioner Anna Butler seconded; Motion carried 4-0.**

Meeting adjourned at 6:59 pm.



**Alison Dennington**  
**Mayor**

**ATTEST:**



Rachel Pembroke (Feb 19, 2025 15:38 EST)

**Rachel Pembroke**  
**Transcriptionist**

