

# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING April 17, 2024 at 6:00 p.m. COMMUNITY CENTER - 509 OCEAN AVENUE

### MINUTES

#### Commission Members:

Mayor Alison Dennington

Vice Mayor Sherri Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

Commissioner Adam Meyer

#### 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 Sherri Quarrie

Commissioner Corey Runte

Commissioner Adam Meyer

#### Commission Members Absent

Commissioner Marivi Walker

#### Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

Finance Manager Jennifer Kerr

Building Official Robert Bitgood

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 – 1:46**

Finance Manager Jennifer Kerr spoke about page 21 – Parking Revenue Fiscal Year Comparison had a typo. Parking revenue said \$110,266, in the Excel spreadsheet it recalculated \$82,096. She provided the amended page with the corrected total for fiscal year 2023.

Vice Mayor Sherri Quarrie wanted to make changes to the agenda, submitted the bicentennial water feature as a presentation, and would like to present after the Town Attorney. Also, there are people here for the tobacco free spaces, and would like to give them priority.

**Commissioner Corey Runte made a motion to move items under New Business Items C and D up to Proclamations/Presentations/Awards as Items B and C; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.**

**5. Consent Agenda – 5:43**

A. Approval of the Regular Town Commission Meeting action minutes March 20, 2024.

**Commissioner Adam Meyer made a motion to approve the Consent Agenda; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.**

**6. Proclamations/Presentations/Awards – 7:35**

A. Presentation by Town Attorney Ryan Knight

Town Attorney Ryan Knight spoke about the Florida Sunshine Law and that the public's business must be conducted in public. Says to treat everything as if it comes through the board, do not communicate about it through emails, texts, etc. Assume anything you write could become public record. Advises not to delete anything, creates Sunshine issue, but sending in texts through email would be fine. Says there should not be an exception for the Commission.

Mayor Alison Dennington asked about storing text messages, and suggested sending them to Town Clerk Amber Brown once a month so she does not have to store them personally. Asks about confusion for how the Town code defies quasi-judicial as excluding Commission in some places, and others not.

B. **Consideration of a Bicentennial Park water feature – Vice Mayor Sherri Quarrie – 19:15**

Joyce Barton on behalf of the Beach Gardeners Club (which dissolved last year) spoke about how the club donated \$1,500 last year to the Town with the request of it going towards a water feature in Bicentennial Park. She presented ideas and options for a water feature in Bicentennial Park.

Mayor Alison Dennington spoke about solutions for if it cost more than \$1,500, and that the extra money could come from citizen donations. She also mentioned if there were people interested in participating, to possibly start up the Gardeners Club again.

***Frank Thomas – 606 Atlantic St - Spoke about Florida native plants.***

**C. Consideration to prepare an ordinance for tobacco free Brevard – Mayor Alison Dennington – 46:45**

Elizabeth Bublitz on behalf of CiviCom spoke about their tobacco free parks and beaches initiative. Indianalantic and Indian Harbour Beach have already passed these with Indianalantic being tobacco free and Indian Harbour Beach being smoke free. Requires designated areas for smokers. Acknowledged that cigarette butts are not biodegradable even though some people might think they are. Says they have worked at the county level to provide education about policy and adoption, but have not implemented it on county beaches. Said that golf courses wanted to be able to allow cigar use.

Mayor Alison Dennington asked how many municipalities have passed these. Acknowledged 1.69 billion pounds of cigarette butts per year. Wants to avoid having smoking in parks so children will not be exposed to it. Told Vice Mayor Sherri Quarrie that there is one legislator that has a cigar business.

Vice Mayor Sherri Quarrie asked if Brevard County is involved in this. Asked about why cigars are not included in this.

**7. Finance/Budget Report – 56:00**

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

**8. Department and Board/Committee Reports – 56:51**

**A. Public Works Department**

Mayor Alison Dennington asked several questions about the Public Works Department, including questions about redoing the Ocean Park bathrooms, peak season rates for kiosks. Mentioned there was a big sign falling down and wanted to make sure they were aware. Asked about quarterly cleanings of baffle boxes, inventory of where speed limit signs are. Suggested coming up with some sort of cards to give to police, they are patrolling the town so they see a lot and could report back to Public Works if they notice any issues. \$20,000 for signs in the budget, there is \$8,000 left, asked about what type of signs and where they are going to go.

Town Manager Elizabeth Mascaro said the bathrooms were repainted last year. Said peak season rate changes were as simple as contacting the company to make the change. The quarterly cleanings cover all of the baffle boxes and the amount of debris is noted. They don't have inventory of where speed limit signs are placed. They don't have a formal program for police to report back, but anytime anyone sees anything they do say something. They are going to utilize the signs they already have, blue signs have been installed, and remaining funds can be used to purchase overlays. Also, use that budget for stop signs, yield signs, etc.

**B. Building Department - 1:11:30**

Building Official Robert Bitgood said the department had a good month, construction value was \$2.72 million. That number is about two and a half times higher than normal. Accessory structures the majority of the time are prefab sheds, rarely are they a built structure.

Mayor Alison Dennington had a request in regards to the size limit of accessory structures, would it be difficult to add the size each month?

C. Code Enforcement - 1:16:40

Mayor Alison Dennington asked about short term rentals. Also mentioned the empty lot that is not being taken care of and that she wanted to file a complaint.

Building Official Robert Bitgood said it would be helpful if the commission could clarify exactly what information they wanted. Said there is a place on the website to file a complaint and that is the fastest way to get it addressed.

D. Fire Department - 1:22:00

Fire Chief Gavin Brown said nothing new outside of the report. Said the chemical spill was a pool trailer that had spilled pool chlorine, but it was a small amount. The standby was an EMT covering nature day, and the toxic condition was golf cart batteries charging in a garage, if there is any issue it causes hydrogen gas.

Mayor Alison Dennington asked about the chemical spill, cover assignment stand-by move-up, and toxic conditions, other.

E. Police Department - 1:25:15

Town Manager Elizabeth Mascaro said Police Chief is absent but will be at the next meeting.

Mayor Alison Dennington expressed her appreciation for the speeding tickets and reports. Also mentioned there are three officers qualified on AR-15s. Would be interested in having information on tickets written if they are more residents or more people from out of town.

F. Town Clerk - 1:28:40

Mayor Alison Dennington asked if Town Clerk Amber Brown is doing the agendas and minutes for all of the boards.

Town Clerk Amber Brown said she does the agendas for all of the boards, some of the boards do their own minutes. Said there is no cost to the Town for the first two elections, and will be getting the information on the last election in May/June, and would guess it would be around \$600 because it is an even year.

Vice Mayor Sherri Quarrie asked for the cost of the three elections.

**9. Public Comment (Non-Agenda Items) – 1:32:20**

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.

**Steve Walters – 416 Sixth Ave – Spoke about how solid waste should have gone out for bid.**

Mayor Alison Dennington explained why they did not go to bid.

**Mark McBride – 310 Second Ave – Spoke about issues with Airbnbs.**

Building Official Robert Bitgood said he was putting together a memo as well as a code enforcement PowerPoint to address the Town's concerns.

**Frank LaGrassa – 412 First Ave – Spoke about how solid waste should have gone out for bid.**

**10. Public Hearings/Special Orders - 2:00:10**

**11. Unfinished Business - 2:00:18**

- A. Consideration on ordinance language changes related to sheds – Building Official Robert Bitgood.

Mayor Alison Dennington recused herself.

Dan Harper on behalf of the Planning and Zoning Board spoke about the pictures provided in the agenda packet and the Planning and Zoning Board's stance.

The Commission discussed approving the Planning and Zoning recommendations with some modifications. Change the size from 140 to 160 square feet. Keeping the two foot setback instead 5 feet. Change the language about the height from foundations should be no higher than 8 inches above ground level to 11.6 feet total above grade inclusive of the base. Where it says front line changes to front building line.

**Commissioner Adam Meyer made a motion to approve the Planning and Zoning recommendations for sheds as modified; Commissioner Corey Runte seconded;**

*Tim Reed – 302 Fourth Ave – Spoke about supporting what the Planning and Zoning Board recommended.*

*Annemarie McBride - 310 Second Ave – Asked if golf carts would be allowed in a shed.*

**Motion carried 3-0 with Mayor Alison Dennington abstaining.**

Mayor Alison Dennington was advised to submit a Form 8B.

- B. Discussion on installing a children's gaga ball pit – Commissioner Corey Runte – 2:27:35

Mayor Alison Dennington referred to the Park's Board recommendation, 1 voted yes, 3 voted no.

The Commission discussed the recommendations from the Park's Board, whether or not they thought the gaga ball pit was a good idea, and trying out various locations for it if they did decide to put it in.

**Commissioner Corey Runte made a motion to approve the gaga ball pit as presented subject to the following conditions: one we will try at least 2 locations with the first being at the previous bocce ball court location general area for a reasonable period of time, allow for public input, finalize the decision based on the majority of public input, and the third condition is it can be removed or moved for special events; Vice Mayor Sherri Quarrie seconded;**

*Bryan Cassaza – 2009 Oak – Spoke about safety concerns and injuries and education.*

*Sue Martin – 2002 Rosewood – Spoke against the gaga ball pit due to liability.*

*Frank LaGrassa – 412 First Ave – Spoke against the gaga ball pit.*

*Tim Reed – 302 Fourth – Spoke about the Commission not listening to the Parks Board.*

*Ken Lebrato – 213 Cherry Dr – Spoke against the gaga ball pit due to liability*

Mayor Alison Dennington suggested coming to a compromise because some people want it and some people do not, feels there is a middle of the road that can be found.

Commissioner Corey Runte said he spoke with the Mayor of Indialantic and their town loves the gaga ball pit, and have had no issues.

Vice Mayor Sherri Quarrie asked about using the inflatable models.

**Commissioner Corey Runte withdrew his motion.**

**Commissioner Corey Runte made a motion to approve the gaga ball pit per estimate number 26885 with model number 00830-GRN with a diameter of 20 feet as specified on the website without mulch plus the conditions of trying 2 different locations starting with the general area green space of the previous bocce ball courts with a second location coming back with public input to select the final location, and the third condition is that it can be moved around or removed for special events; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Commissioner Adam Meyer dissenting.**

Recess at 9:09-9:19 (3:07:45)

Town Clerk Amber Brown conducted a roll call

**Commission Members Present**

Mayor Alison Dennington  
Vice Mayor Sherri Quarrie  
Commissioner Corey Runte  
Commissioner Adam Meyer

**Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Building Official Robert Bitgood  
Town Clerk Amber Brown

**Commission Members Absent**

Commissioner Marivi Walker

- C. Discussion on prohibiting sleeping/camping in all zoned public places, vehicles, or any properties within Town limits – Vice Mayor Sherri Quarrie – 3:08:50

Town Attorney Ryan Knight drafted an ordinance that provides a definition of camping, and added that in an emergency, the prohibition against camping can be waived in case people need to sleep outside.

The Commission requested the Town Attorney make the ordinance say camping is prohibited everywhere in the Town.

**12. New Business**

- A. Ordinance 2024-02 Repealing Ordinance 2023-02 Second Kitchens – First reading – 3:22:15  
**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH,  
BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE  
2023-02 IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**Commissioner Adam Meyer made a motion to approve the straight repeal of the Second Kitchen Ordinance; Vice Mayor Sherri Quarrie seconded;**

*Gabor Kishegyi – 202 Surf Rd – Asked if this would remove the definition.*

Mayor Alison Dennington said it would remove the definition.

**Motion carried 4-0.**

- B. Consideration of a request from Planning and Zoning to review the maximum allowable size of accessory structures – Building Official Robert Bitgood – 3:27:20

Building Official Robert Bitgood said the accessory structure cannot be taller or larger than the primary structure. This usually applies to a detached garage.

Commissioner Corey Runte suggested P&Z research and provide comparable language from nearby towns and bring that information back to the Commission.

*Tim Reed - 302 Fourth Ave – Suggested that this should go to a joint workshop with Planning and Zoning.*

- C. Consideration of a Bicentennial Park water feature – Vice Mayor Sherri Quarrie – 3:39:40

**Commissioner Corey Runte made a motion to approve the use of the \$1,500.00 donation from the Garden Club for the use of a landscape water feature at Bicentennial Park as presented subject to further due diligence; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.**

- D. Consideration to prepare an ordinance for tobacco free Brevard – Mayor Allison Dennington – 3:43:15

Vice Mayor Sherri Quarrie says the Town Attorney should look over the definitions for marijuana/marijuana-based products because there is a chance that the state of Florida will allow it, and wants to be prepared for that.

The Town Commission directed the Town Attorney to prepare an ordinance to ban all smoking in all public places in the Town.

**13. Administrative Reports – 3:48:30**

- A. Town Attorney
- B. Town Manager

**14. Commission Reports**

**15. Task List – 3:49:30**

The Commission discussed having a lifeguard or not and where funds would come from.

Updated:

**Lifeguard Coverage:** Will come back next month as an agenda item.

**16. Public Comment – 4:02:10**

*Frank Lagrassa – 412 First Ave – Spoke about how people need to be more self-reliant.*

*Tim Reed – 302 Fourth Ave – Spoke about sticking to not paying for anything even if we no longer have a lifeguard.*

**17. Adjournment**

**Commissioner Corey Runte moved to adjourn; Vice Mayor Sherri Quarrie seconded, Motion carried 4-0.**

Meeting adjourned at 10:14 p.m.

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

ATTEST:

  
\_\_\_\_\_  
**Rachel Pembrook**  
Transcriptionist



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Dennington Alison</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>
CITY [REDACTED]	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY <i>Melbourne Beach Brevard</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Melbourne Beach</i>
DATE ON WHICH VOTE OCCURRED <i>4/17/24</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

APR 17 '24 PM 10:42

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Alison Domington, hereby disclose that on April 17, 2024:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss; my family LLC property see pending litigation issue discussed below
- inured to the special gain or loss of my business associate, Funde, LLC - see below;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The vote related to sheds.  
I have a company (Funde LLC) that owns property and has a preexisting issue in litigation on appeal in Brevard Circuit Court related to a Code Interpretation Issue related to sheds. This case has been pending 3 yrs (well before I ran or was elected) The case is still pending. That is why I abstain on this vote on sheds. Funde, LLC has 4 members (my immediate family)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/17/2024  
 Date Filed

[Signature]  
 Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.