

# Town of Melbourne Beach

## REGULAR TOWN COMMISSION MEETING May 15, 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 6:03 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

#### Commission Members Absent

Commissioner Marivi Walker

Commissioner Adam Meyer

#### Staff Members Present

Town Manager Elizabeth Mascaro

Town Attorney Ryan Knight

Finance Manager Jennifer Kerr

Building Official Robert Bitgood

Fire Chief Gavin Brown

Police Chief Tim Zander

Public Works Director Tom Davis

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 – 3:17**

**Commissioner Corey Runte moved to approve the agenda as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

**5. Consent Agenda – 3:46**

- A. Approval of the Regular Town Commission Meeting action minutes April 17, 2024
- B. Appointment of Edilene Johansson as an Alternate to the Parks Board

**Vice Mayor Sherri Quarrie made a motion to approve the Consent Agenda; Commissioner Corey Runte seconded; Motion carried 3-0.**

**6. Proclamations/Presentations/Awards**

- A. Presentation of a proclamation recognizing May 18<sup>th</sup> through May 24<sup>th</sup>, 2024 as National Safe Boating Week – 5:20

A member of the Coast Guard spoke about the Coast Guard being a group of volunteers, they provide educational classes, etc, which helps to fund them. Coast Guard and the Town have the same mission, to keep people safe and to have fun in a safe way.

Commissioner Corey Runte thanked the Coast Guard and told the people of the Town to take advantage of the services they provide.

Mayor Alison Dennington read the proclamation that declared May 18th to May 24th, 2024 National Safe Boating Week in the Town of Melbourne Beach and encouraged citizens to acquire skills/knowledge to practice safe boating.

- B. Presentation by Town Attorney Ryan Knight – 12:19

Town Attorney Ryan Knight explained the difference between legislative hearings and quasi-judicial hearings. Touched on the fact that legislative hearings create general rules or policies for a group of people, and spoke in more detail about quasi-judicial hearings, which are applied to more specific situations. He said you're essentially taking an ordinance or regulation and applying it to one property, one person or one development instead of a group.

Mayor Alison Dennington mentioned there will be a workshop to deal with issues about short term rentals and Town Attorney Ryan Knight said it would mostly cover enforcement.

**7. Finance/Budget Report – 26:24**

**Commissioner Corey Runte made a motion to approve the finance report as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

## **8. Department and Board/Committee Reports – 27:38**

### **A. Public Works Department**

Commissioner Corey Runte spoke about receiving an email about tree trimming and wants Public Works Director Tom Davis to look into the timing for that.

Public Works Director Tom Davis said they already trimmed the trees. He also said the sign at Loggerhead Park has been removed and a new sign has arrived.

Mayor Alison Dennington asked about the broken sign at Loggerhead Park.

### **B. Building Department**

Vice Mayor Sherri Quarrie asked about the reasoning for removing the oak trees on Sunset Blvd.

Building Official Robert Bitgood said the permit was applied for by the owner as the trees were posing a threat to a wall. Also says they are a small municipality so he is the one doing the inspecting, and the town manager is made aware of any conflict of interest.

Mayor Alison Dennington asked about how conflicts of interest are addressed.

### **C. Code Enforcement**

Commissioner Corey Runte acknowledges there's only two active cases/violations, the fewest number he's ever seen.

Building Official Robert Bitgood says they have been doing a good job keeping an eye on everything, making sure it is resolved. Believes it would be beneficial to have body cams.

Mayor Alison Dennington mentioned getting body cameras for code inspectors. Also asked some questions about enforcement for short term rentals.

Vice Mayor Sherri Quarrie asked if the cameras would come out of the building fund.

Town Manager Elizabeth Mascaro said it would come out of the building department, also they call the officers if there is an issue.

### **D. Fire Department**

Mayor Alison Dennington mentioned there were two fires in town, but everything is okay. She mentioned that a boat was purchased with donations to the Firefighters Association. Also asked about paying firefighters instead of having them all be volunteers.

Vice Mayor Sherri Quarrie asked if they dropped the idea of renovating the pier.

Fire Chief Gavin Brown said they did drop renovating the pier, but are having an engineer do a sketch for a garage. He said that volunteer firefighters are in decline, places are even having trouble finding paid firefighters, might need to investigate paying them, hoping they could look at the SAFER grant.

E. Police Department

Police Chief Tim Zander said they have accomplished a lot in his first six weeks, specifically writing tickets, and made some clarifications about parking.

Vice Mayor Sherri Quarrie asked for clarification about certain numbers.

F. Town Clerk

Town Clerk Amber Brown said Computer Experts were working on the equipment, but it will be working for the next meeting. Said the cost for the business license portal was included in the BSA software. Said the election packet was about half done, just updating some dates.

Mayor Alison Dennington mentioned businesses being able to do more online and asked about the cost of that. Also asked about when the election packet would be ready.

9. **Public Comment (Non-Agenda Items) – 57:32**

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 LaGrassa – 412 First Ave – Frank Lagrassa held his comment until the parking restrictions agenda item.*

10. **Public Hearings/Special Orders - 59:30**

A. Ordinance 2024-02 Repealing Ordinance 2023-02 Second Kitchens – Second reading

**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 Corey Runte moved to approve Ordinance 2024-02 repealing Ordinance 2023-02 Second Kitchens as presented second and final reading; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

11. **Unfinished Business**

A. Consideration of replacing all of the curbing on Riverside Dr as part of the repaving project – Town Manager Elizabeth Mascaro – 1:00:48

Town Manager Elizabeth Mascaro said to consider how much curbing needs to be replaced in order to get the cost. They are using a county contract which is the lowest price for the process. Suggests doing it all regardless of the condition so it won't have to be done again.

Mayor Alison Dennington says it's \$500,000 and expressed her questions and concerns with the lack of information.

Recess from 7:20 p.m. until 7:25 p.m.

Town Clerk Amber Brown conducted a roll call - 1:17:50

**Commission Members Present**

Mayor Alison Dennington  
Vice Mayor Sherri Quarrie  
Commissioner Corey Runte

**Commission Members Absent**

Commissioner Marivi Walker  
Commissioner Adam Meyer

**Staff Members Present**

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Building Official Robert Bitgood  
Police Chief Tim Zander  
Public Works Director Tom Davis  
Town Clerk Amber Brown

The Commission discussed their issues about curbing replacement and getting more information.

**Failed for a lack of motion**

**12. New Business**

**A. Consideration of changes to 7A-50 Off-Street Parking – 1:23:30**

Town Manager Elizabeth Mascaro spoke about parking requirements for businesses.

Building Official Robert Bitgood said there are places to park that would be walkable from the businesses, so requiring less parking might make sense.

Mayor Alison Dennington said she is against it. Fears self regulation by the businesses. Suggests waiting to make changes until specific businesses say they need the changes.

Vice Mayor Sherri Quarrie spoke about offloading requirements and also said she was opposed. Said to send this back to Planning and Zoning for them to review suggestions.

Commissioner Corey Runte spoke about the importance of salvaging what little green space there is left in the Town and helping save the lagoon. Believes a blanket change is not the way to go but thinks some updates are appropriate. Suggests putting in golf cart parking to save space.

***Mark McBride – 310 Second Ave – Spoke about decorum and not being in favor of anything that develops the Town more.***

*John Butler – 312 Avenue A – Spoke about being uncomfortable with development and had a few questions.*

*Frank LaGrassa – 412 First – Spoke about not wanting to see anything else on Ocean Ave.*

*Mike Krajic – 2103 Neptune – Said a prayer and spoke about how businesses should have to apply for a variance.*

**Failed for a lack of motion**

**B. Ordinance 2024-01 Sheds – First reading – 2:15:35**

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 7A-57 RELATING TO UTILITY SHEDS AND SETBACK REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Ryan Knight spoke about adding a clause to grandfather sheds in. The changes being made are that the sheds may not be larger than 160 sq. ft., 11.6 feet in height, foundation is being struck through, also clarifies that it should be a 2 ft. setback.

*Matt Harris – 314 Avenue B – Asked what the changes are.*

**Commissioner Corey Runte moved to table Item B under New Business Ordinance 2024-01 Sheds; Vice Mayor Sherri Quarrie seconded; Motion failed for a lack of quorum 2-0 with Mayor Alison Dennington abstaining from the vote.**

Town Clerk Amber Brown reminded Mayor Alison Dennington to submit a Form 8B.

**C. Ordinance 2024-03 Camping Prohibited – First reading 2:21:35**

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CREATING CHAPTER 73-20, “CAMPING PROHIBITED,” IN THE CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS AND EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Alison Dennington wanted clarification about why the Town would allow camping for 72 hours, fears this will invite short term renters to camp in people’s yards.

Town Attorney Ryan Knight said he left the 72 hours in so that people’s kids could camp in their backyard, but it can be removed.

**Commissioner Corey Runte made a motion to approve this Ordinance with one correction of zero hours allowed versus the 72 hours currently in the language;**

**Commissioner Corey Runte amended his motion to approve as presented with Section B removing all words after Town limits; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

D. Ordinance 2024-04 Prohibit Smoking – First reading – 2:27:10

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CREATING CHAPTER 73, ARTICLE VI, “PARKS AND BEACHES” IN THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN TOWN PARKS AND PUBLIC BEACHES; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Ryan Knight spoke about vaping and e-cigarettes and banning them in public parks, but not being able to for public beaches. Also spoke about fines typically being from \$25-\$100.

Vice Mayor Sherri Quarrie asked if marijuana should be included in the language for this and the Town Attorney said that would need to wait.

**Commissioner Corey Runte made a motion to approve Ordinance 2024-04 as presented with one change adding the restriction of vaping, adding the word vaping to section 73-60 within the public parks section; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

E. Consideration of transcription services for the Town Clerk – Town Manager Elizabeth Mascaro- 2:33:05

Town Manager Elizabeth Mascaro discussed outsourcing the transcription services. The individual would charge \$20 per hour of their work, and would take typically 3 times the length of the meeting to complete. Funds would come from the Mayor’s donated salary.

Vice Mayor Sherri Quarrie asked if it would be by contract.

Mayor Alison Dennington asked about using AI transcription services.

Town Clerk Amber Brown said no one could recommend a good AI service.

**Commissioner Corey Runte moved to approve transcription services for the Town Clerk with the following conditions: 1. Not to exceed an amount of roughly 3-4 thousand dollars whatever the factual amount is on record from the Mayor’s donation 2. Satisfactory review and execution of the**

**contract presented by the service to the Town Manager and only the Town Manager; Vice Mayor Sherri Quarrie seconded; Motion carried 3-0.**

F. Consideration of purchasing a truck for the Building Department – 2:40:31

Town Manager Elizabeth Mascaro spoke about the need for having a truck to carry ladders etc, so proposed selling the 2012 Camry then buy a truck.

Mayor Alison Dennington asked about the mileage on the Camry which was 144,000.

Building Official Robert Bitgood said it would be about \$4,000-5,000 and the money would come out of the building funds so it is not a cost to the citizens.

**Vice Mayor Sherri Quarrie made a motion to approve the request for the building department truck for the funds to come out of the enterprise fund of the building department offset by the sale of the Camry; Commissioner Corey Runte seconded; Motion carried 3-0.**

**13. Administrative Reports – 2:53:10**

- A. Town Attorney
- B. Town Manager

Town Manager Elizabeth Mascaro said she got a letter from the Town of Indialantic that they are not participating/contributing to the lifeguard contract.

Building Official Robert Bitgood spoke about inspections and who does them when he is gone.

**14. Commission Reports**

**15. Task List**

**16. Public Comment**

**17. Adjournment**

**Commissioner Corey Runte moved to adjourn; Vice Mayor Sherri Quarrie seconded, Motion carried 3-0.**

Meeting adjourned at 9:08 p.m.



**Alison Dennington  
Mayor**

ATTEST:

  
Rachel Pembrook (Oct 23, 2024 15:43 EDT)

**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 A.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>
MAILING ADDRESS <i>507 Ocean Ave Melbourne Beach, FL 32951</i>	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
CITY <i>05/15/2024</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Melbourne Beach</i>
DATE ON WHICH VOTE OCCURRED <i>05/15/2024</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

MAY 15 '24 PM9:45

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 Dennington, hereby disclose that on May 15, 2024:

- (a) A measure came or will come before my agency which (check one or more) (potentially the one that):
- inured to my special private gain or loss; Furze, LLC
  - inured to the special gain or loss of my business associate, \_\_\_\_\_;
  - \_\_\_\_\_ 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:

Advised to abstain/refuse by Town Attorney regard vote on Amending a Town Ordinance regarding Sheds (utility sheds).  
I have a 3 yr long <sup>prior</sup> case ~~still~~ (on appeal/pending) regarding Code interpretation of Sheds. The party in the case B. Furze, LLC of which I am a Co-manager member with my husband in 18th Cir.

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.

[Signature]  
Date Filed 5/15/2024

[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.