

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING July 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 6:00 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Marivi Walker
Commissioner Adam Meyer

Absent

Commissioner Corey Runte

Staff Members Present

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

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes – 2:10

Vice Mayor Sherri Quarrie made a motion to approve the meeting agenda as shown; Commissioner Marivi Walker seconded; Motion carried 4-0.

5. Consent Agenda – 6:35

- ~~A. Approval of the Regular Town Commission Meeting action minutes June 19, 2024~~
- ~~B. Approval of the Town Commission Workshop summary minutes March 6, 2024~~
- ~~C. Approval of the Regular Town Commission Meeting summary minutes February 21, 2024~~
- ~~D. Approval of the site plan for 506 Third Ave – new home~~

Consent Agenda Items A, B, C, and D were removed from the Consent Agenda and added to New Business as Items A, B, C, D.

Town Manager Elizabeth Mascaro asked to put the original New Business Item F as New Business Item A due to the amount of items under new business and having residents present to address that agenda item.

The Commission approved moving the original New Business Item F to New Business Item A, followed by the pulled Consent Agenda Items A, B, C, and D to New Business Items B, C, D, and E, followed by the original New Business Items A, B, C, D, E, G, and H to New Business Items F, G, H, I, J, K, and L.

6. Proclamations/Presentations/Awards

7. Finance/Budget Report – 13:58

Mayor Alison Dennington said she has an issue with the engineering contracts and does not know if the Town is following code so she has to vote against.

Commissioner Sherri Quarrie made a motion to approve; Commissioner Adam Meyer seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

8. Department and Board/Committee Reports – 15:24

A. Parks Board

Town Manager Elizabeth Mascaro said in the report, they suggested that Veterans Park be moved out of Circle Park and into Ryckman Park. Also clarified that the only Special Event is Pineapple Man and the rest are Town Events.

New Task List Item – Clarify the difference between Special Event and Town Event, inform the Town Boards, and update forms.

B. Public Works Department – 23:41

Public Works Director Tom Davis mentioned that they do provide a rehydration program and safe working conditions as it is getting hotter.

Mayor Alison Dennington mentioned getting 24 hours' notice when they will be working on the FPL poles.

C. Building Department – 27:15

Mayor Alison Dennington asked about the building department report and the fees.

Building Official Robert Bitgood says they submit the permit and then they do the plan review, once it is approved they pay for the permit and plan review together.

D. Code Enforcement – 30:20

Building Official Robert Bitgood spoke about a certificate list and what that entails. Said that 204 Cherry might be up for sale, that might be the resolution.

Mayor Alison Dennington brought up the short term rental 204 Cherry and asked if it had gone to the Special Magistrate and how it had been resolved. Mentioned that when a code enforcement case gets resolved, it does not seem to be documented.

E. Fire Department – 40:20

Mayor Alison Dennington thanked the Fire Department and asked if there would be a way to get identifying information that is not necessarily people's names. Asked if they could add if the person is a Brevard resident or not. Also asked about the marine training intel.

Fire Chief Gavin Brown said they are not required to take names and if they did it would become public record. Normally there will be an age and a gender. Said he could look into the possibility of adding if it is a resident or not. Said the marine training intel was once a month or quarter, said it included all law enforcement agencies that enforce waterways, to know what is going on in the waterways.

Town Manager Elizabeth Mascaro mentioned that someone had said the current budget was including new firefighters and she clarified that is not true.

F. Police Department – 48:20

Vice Mayor Sherri Quarrie asked about the crocodile meeting, are they getting rid of it?

Police Chief Tim Zander said the crocodile is an endangered species and so they cannot get rid of it. Said the 211 traffic enforcement details were not necessarily a part of the 464 traffic stops, and that they would stamp a traffic detail saying they are there to investigate a call for example. Asked what the Mayor wants to do with the information in the report.

Mayor Alison Dennington spoke about car break-ins and making the residents aware. Also mentioned that of 464 traffic stops, there were 211 traffic enforcement details and asked what that meant. Asked the police officers to write more warnings, and would like a breakdown for each officer every month going forward. Says getting the data would put pressure on officers to write more tickets and warnings.

Commissioner Marivi Walker got confirmation that it is protocol to look at the police officer's performance, based on what Mayor Alison Dennington is requesting. Said that police officers have been through training to handle this.

Commissioner Adam Meyer said the Commission asked the Police Chief to pull people over and he did that. He's concerned that if the Police Chief gives police officers more busy work (writing warnings), they might pull less people over.

G. Town Clerk – 1:18:30

Town Clerk Amber Brown said all of the scanning is done for the first 41 boxes, but 7 were not included and she has to add those into the software.

9. **Public Comment (Non-Agenda Items) – 1:20:00**

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.

Ted Funkhouser – 509 Banyan Way – Spoke about people on electric bikes not following traffic laws.

Mark McBride – 310 Second – Spoke about how homes for sale are being advertised as short term rental ready. There were some good recommendations after the workshop, so what's next?

Town Attorney Ryan Knight spoke about what happened in 2007 when revisions were made, the Land Development Codes were amended over the course of 5 years because the specific definition relating to a dwelling unit was 2012, changed during 2017 to allow rental units for less than a week.

Frank LaGrassa – 412 First Ave – Spoke about short term rentals and how the Commission is helping with the issue.

Ken Lebrato – 213 Cherry Dr – Asked what the Town Attorney was directed to do related to short term rentals, how many magistrate hearings have there been, who makes the short term rental report, and why is 204 Cherry and 602 Shannon not on the list.

10. **Public Hearings/Special Orders – 1:56:20**

A. Ordinance 2024-01 Sheds – Second reading

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.

Mayor Alison Dennington recused herself from the vote due to having a property owned by her LLC that has a shed dispute going on for several years that is still pending.

Town Attorney Ryan Knight said the changes made from first reading are the grandfathering clause which allows sheds in existence to be deemed to comply with the provisions of this ordinance.

Commissioner Marivi Walker moved to approve Ordinance 2024-01 as presented; Commissioner Adam Meyer seconded; Motion carried 3-0 with Mayor Alison Dennington abstaining from the vote.

11. Unfinished Business - 1:59:15

- A. Consideration of replacing all of the curbing on Riverside Dr as part of the repaving project.

Town Manager Elizabeth Mascaro said it got pulled last month because they needed to look at how much paving needed to be done. This is to redo the curb work and do the paving. Goodson gave a price that was \$143,866 less than if they did the curb work and the paving separately. Would recommend that Goodson do both. The proposal did not include the sidewalk.

Mayor Alison Dennington said she did not receive all of the information she needed to make a decision and wanted clarification on if Goodson had been extended or expired for the county contract. Mentioned not being able to read certain pages.

Town Engineer Scott Glaubitz from BSE Consultants spoke about the project. Said he is not sure if the contract is expired and he has not seen a relaxation in prices in this type of work. DOT prices have gone down because of the large quantities.

Town Attorney Ryan Knight said the contract was extended to November 27, 2024.

Tim Reed – 302 Fourth Ave – Asked for clarification on the scope of the project.

Todd Albert – 1710 Pine St – Asked if the Town knows what Indialantic’s experience was.

Town Manager Elizabeth Mascaro said another company did their curbing.

Vice Mayor Sherri Quarrie moved to accept the Goodson Paving bid for \$340,154.70 for the repaving of Riverside and stay on the piggyback contract with Brevard County pricing; Commissioner Marivi Walker seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

B. Discussion regarding failed Ordinance 2024-03 Camping Prohibited – 2:40:50

Town Manager Elizabeth Mascaro said that there is now legislation on this issue that allows Municipalities to fine vagrants for sleeping in parks.

Mayor Alison Dennington requested putting this issue on the back burner because it is not currently a huge issue in the Town and wants to put focus on short term rentals.

Vice Mayor Sherri Quarrie asked if it would be appropriate to put the camping issue in the short term rental restructure.

Commissioner Adam Meyer expressed concern about tying the issue to short term rentals.

Commissioner Marivi Walker moved to have the Town Attorney to draft up verbiage for the disallowance of camping with some options; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

Recess at 8:55 pm -9:01 pm

Town Clerk Amber Brown conducted a roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Sherri Quarrie
Commissioner Marivi Walker
Commissioner Adam Meyer

Absent

Commissioner Corey Runte

Staff Members Present

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

12. New Business

~~A. Consideration to approve the Interlocal Agreement – Stormwater Utility Assessment Roll – Finance Manager Jennifer Kerr Moved to Item F~~

A. Originally New Business Item F - Consideration to approve a proposal regarding the stormwater project at the end of the street on Third Ave – Town Manager Elizabeth Mascaro – 3:02:00

Town Attorney Ryan Knight said there was a large banyan tree that was removed, half of it was on the homeowner's property, half on town property. It blocked the draining swell leading to the river. The Town approved removal and the homeowner removed at his expense which caused the drainage swell to not flow properly and requires a drainage pipe to be installed. This is the Town's responsibility because it is on the Town's property. Town Engineer Ana Saunders from BSE Consulting spoke about the issues. Said the roots of the trees had extended 20 feet and were already causing erosion issues, so they want to fix it correctly with the piping. Hydraulically, you need a pipe for this, not just a swale.

Town Manager Elizabeth Mascaro said there are two bids, one for \$23,102.10 and the other for \$61,922. The discrepancy between the two had to do with bringing a full crew to do the project. The homeowner will also be paying for backfill. Asking to approve stormwater work with Ramage (\$23,102.10).

Mayor Alison Dennington asked several questions to the Building Official, the Town Engineer, and the Town Manager. Expressed concern that if the Town spends money on smaller issues, the bigger things that need fixing will not get done.

Commissioner Adam Meyer said that ignoring this problem now will be costly in the future and the Town should just get it done now. Also, confirmed that the company with the more affordable quote will do the job effectively despite the difference in the price.

Vice Mayor Sherri Quarrie made a motion to accept Ramage Contracting for \$20,352.10 plus an additional \$2,750.00 for additional services for a total of \$23,102.10 to fix the stormwater project on Town property at the end of Third Avenue; Commissioner Adam Meyer seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

~~B. Resolution 2024 03 – Stormwater Utility Assessment Roll Certification Moved to Item G
A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF
BREVARD COUNTY, FLORIDA, CERTIFYING THE ANNUAL
STORMWATER UTILITY ASSESSMENT ROLL FOR THE TOWN
OF MELBOURNE BEACH STORMWATER UTILITY BUDGET
FOR FISCAL YEAR 2024/2025; AND PROVIDING FOR AN
EFFECTIVE DATE.~~

B. Originally Consent Agenda Item A - Approval of the Regular Town Commission Meeting action minutes June 19, 2024 - 3:37:20

Commissioner Marivi Walker made a motion to approve the action minutes for June 19, 2024; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

~~C. Consideration to endorse the HELPER Act – Town Manager Elizabeth Mascaro Moved to Item H~~

C. Originally Consent Agenda Item B – Approval of the Town Commission Workshop summary minutes March 6, 2024 – 3:39:20

Commissioner Adam Meyer made a motion to move Consent Agenda Item B, Approval of the Town Commission Workshop summary minutes March 6, 2024 to the August Commission meeting; Commissioner Marivi Walker seconded; Motion carried 4-0.

~~D. Consideration to renew the South Beaches Coalition Interlocal Agreement Moved to Item I~~

D. Originally Consent Agenda Item C – Approval of the Regular Town Commission Meeting summary minutes February 21, 2024 – 3:40:24

Commissioner Adam Meyer made a motion to move Consent Agenda Item C Approval of the Regular Town Commission Meeting summary minutes February 21, 2024 to the August Commission meeting; Commissioner Marivi Walker seconded; Motion carried 4-0.

~~E. Consideration on a speed camera system in the school zone and parking cameras in Town paid parking areas – Police Chief Tim Zander Moved to Item J~~

E. Originally Consent Agenda Item D – Approval of the site plan for 506 Third Ave – new home – 3:41:20

Commissioner Adam Meyer asked for this to be moved because he wanted to have a discussion about determining the height of the building. Met with Building Official Robert Bitgood who told him the height of a building is measured from the finished floor, and can be up to 28 feet from there to the roof. Asked if looking into what other Towns do happens now or later in the process.

Building Official Robert Bitgood had previously discussed with the Town Planner that the minimum is 18 inches above the crown of the road (pertaining to CRS flood evaluations) and the 28 feet is from the finished floor. Does not recommend waiting to get this done. Said the Town Engineer has signed off on the plans, the protocol is the civil engineer of record has to look at the project before BSE. Said he would get back to the Mayor with the date of the preconstruction meeting. Wanted to make it clear that the information in the packet is signed and sealed by a state-certified engineer. Said that they could look into what other Towns do later (amending 7A-55).

Mayor Alison Dennington requested to get something from the Town Planner in writing. Also talked about what needs a permit and what does not, specifically fill in. Asked if the Town Engineer had signed off on the as-built plans. Read that the runoff was 50.12% pervious and 49.88% impervious and clarified that that was correct.

Vice Mayor Sherri Quarrie asked if the blocks that go under the front door on the image were for drainage.

Building Official Robert Bitgood said they were not, and he discussed with her where the setbacks and drainage would be.

Bruce Larson - 1507 Pine St – Spoke about being at the P&Z meeting, the Code is plain English, the height starts at the floor up. It is there to stop a third story from happening. If there is a gap in the Code, give direction to tighten it up.

Tim Reed – 302 Fourth Ave – Asked when the stormwater project was discussed, was this new home taken into consideration?

Building Official Robert Bitgood said the engineer was concerned about that too but that ultimately the new property would not affect drainage because it was east and has good water drainage.

Ken Lebrato – 213 Cherry Drive – Asked if he built a new home according to Code he could bring in 20 feet of fill then build a home on top of that. What is the Commission going to do about this?

Building Official Robert Bitgood said that is correct according to the wording in 7A-55. Said houses that are sitting taller are more compliant with stormwater restrictions.

Commissioner Marivi Walker said the Town Attorney would look at the current wording.

Steve Walters – 416 Sixth Ave – Spoke about how the Town has already fought height issues around 2004-2006. The intent was from 18 inches above the crown of the road.

Commissioner Adam Meyer made a motion to approve the site plan for 506 Third Ave; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

Commissioner Marivi Walker made a motion to request the Town Attorney and the Town look at the current verbiage and see how we can adjust it to maximize the height; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

~~F. Consideration to approve a proposal regarding the stormwater project at the end of the street on Third Ave – Town Manager Elizabeth Mascaro Moved to Item A~~

F. Originally New Business Item A – Consideration to approve the Interlocal Agreement – Stormwater Utility Assessment Roll – 4:30:00

Finance Manager Jennifer Kerr said that the cost has increased from \$1.00 per property to \$1.40, they are now calling it a Municipality instead of a Town, and the Attorney has reviewed it. It has to be submitted tonight because it has to be submitted to the county and they have to get it done and submit it to the tax collector's office. Said the increase in cost was due to employee and overhead costs being more.

Town Attorney Ryan Knight said the increase seems appropriate given the increase of costs and it being an old contract.

Commissioner Marivi Walker made a motion to approve the Interlocal Agreement – Stormwater Utility Assessment Roll as presented; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

~~G. Resolution 2024-04 Fee Schedule Moved to Item K~~

~~**A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE TOWN FEE SCHEDULE; AMENDING TOWN RESOLUTION 2022-05 TOWN FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**~~

G. Originally New Business Item B – Resolution 2024-03 – Stormwater Utility Assessment Roll Certification – 4:38:15 (read at 4:47:00)

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, CERTIFYING THE ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR THE TOWN OF MELBOURNE BEACH STORMWATER UTILITY BUDGET FOR FISCAL YEAR 2024/2025; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Manager Jennifer Kerr said this is the certification of the assessment roll that the county does and sends to tax collectors to assess value, and has to have this done before the budget. Have not submitted yet so hoping to still be at \$1.00. This is not amending the resolution. Vacant property is charged \$2.36. Improved property is charged \$36. Would have to look at the role to determine if all vacant properties are charged the same.

Mayor Alison Dennington confirmed with the Town Attorney that this resolution is current under state law. Mentioned the difference between vacant natural, vacant altered, and vacant improved related to stormwater drainage. Asked if she could get more information within a week.

Commissioner Adam Meyer moved to adopt Resolution 2024-03 certifying the annual Stormwater Utility Assessment Roll for the Town of Melbourne Beach Stormwater Utility budget for fiscal year 2024-2025; Commissioner Marivi Walker seconded;

Roll Call Vote by Town Clerk

Mayor Alison Dennington – Aye
Vice Mayor Sherri Quarrie – Aye
Commissioner Corey Runte – Absent
Commissioner Marivi Walker – Aye
Commissioner Adam Meyer – Aye

Resolution 2023-04 carried by a vote of 4-0.

H. ~~Resolution 2024-05 FDLE Grant Moved to Item L~~

~~A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING PARTICIPATION IN FDLE'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR PRISONER TRANSPORTATION; PROVIDING FOR AUTHORITY TO EXECUTE; AND PROVIDING AN EFFECTIVE DATE.~~

H. Originally New Business Item C – Consideration to endorse the HELPER Act – 4:48:40

Town Manager Elizabeth Mascaro said this Act helps ensure first responders, teachers, paramedics, and EMTs get support in purchasing a home.

Commissioner Marivi Walker made a motion to consider to endorse the HELPER Act; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

I. Originally New Business Item D – Consideration to renew the South Beaches Coalition Interlocal Agreement – 4:50:45

Town Clerk Amber Brown said the original was from 2013, the update was rewritten by Attorney Paul Gougelman.

Mayor Alison Dennington suggests waiting a month so she can look it over.

Commissioner Marivi Walker made a motion to push this forth to next month; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

J. Originally New Business Item E – Consideration on a speed camera system in the school zone and parking cameras in Town paid parking areas – 4:57:30

Police Chief Tim Zander said the governor passed House Bill 657 which allows Municipalities to install speed cameras in school zones. Works like red light cameras, if they are going above a certain speed, they will get a ticket in the mail. Bringing this to the Commission to see if they want to bring in a company to do a traffic study free of charge to see what the rate of speeds are. Says the company doing this will check twice to make sure the tags are correct and then it will come to the police department for a third check. The officers would also spend time in court. You can only be fined \$100 and \$60 goes to the Town, of that \$60, a percentage is given to the company and that is why they do this for free. \$23 goes to the state, \$5 to a crossing guard program, and \$12 goes to school for school safety. Of the \$60 that goes to the Town, one company is requesting \$20 and the other \$18.

Commissioner Adam Meyer asked about how much time would be needed from officers.

Vice Mayor Sherri Quarrie asked where the money goes.

Mayor Alison Dennington asked about the quotes from the companies. Said she has mixed feelings on the issue.

Police Chief Tim Zander also addressed parking which is a separate issue. No one in the country has this, so the Town would be creating it. Says that the Town would have access to the cameras but they cannot be used for surveillance.

Commissioner Marivi Walker clarified that this decision is just deciding to have the company come out.

Ken Lebrato – 213 Cherry Drive – Said he’s been in law enforcement for over 30 years. Do not touch this. It will be a nightmare. New Jersey had them and threw them out.

Tim Reed – 302 Fourth Ave – Spoke about anytime someone says you will get something for free it is never free.

Commissioner Marivi Walker made a motion to table this indefinitely; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

- K. Originally New Business Item G – Resolution 2024-04 Fee Schedule – 5:20:20**
A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE TOWN FEE SCHEDULE; AMENDING TOWN RESOLUTION 2022-05 TOWN FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Elizabeth Mascaro tabled this item to next month.

Mayor Alison Dennington mentioned extraordinary fees to the Town Attorney, and said there should be a separate resolution for public records.

- L. Originally New Business Item H – Resolution 2024-05 FDLE Grant – 5:22:20**
A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING PARTICIPATION IN FDLE’S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR PRISONER TRANSPORTATION; PROVIDING FOR AUTHORITY TO EXECUTE; AND PROVIDING AN EFFECTIVE DATE.

Town Manager Elizabeth Mascaro said this needs to be signed to participate in this grant. She believes all Municipalities sign or none do, and does not want to be the Municipality that makes people drive.

Police Chief Tim Zander said the Sheriff’s office gets a grant that they use to pay for this program. They requested signed letters from the Municipalities asking if they agree that the Sheriff’s department should get the grant to provide this service. Melbourne Beach does not get a dollar from or spend a dollar on this grant, they do not benefit outside of using the van. He said that they need 51% participation from the Municipalities in order to use the grant, not 100%.

Mayor Alison Dennington spoke about having her signature requested and that she did not get all of the information, to which the Town Clerk disagreed. Asked how many prisoners have been transported under this agreement in the past? Asked someone to put in writing that the Town could not be liable for a penny of the \$168,000.

Steve Walters - 416 Sixth Ave – Go back 25 years and on average there was 250 arrests and the jail van was a godsend. Driving them would take 2 ½-3 hours.

Commissioner Marivi Walker made a motion to approve Resolution 2024-05 which authorizes the participation in the Edward Byrne Memorial Assistance Grant; Vice Mayor Sherri Quarrie seconded; Motion carried 3-1 with Mayor Alison Dennington dissenting.

13. Administrative Reports – 5:37:35

A. Town Attorney

No additions.

B. Town Manager

Town Manager Elizabeth Mascaro spoke about how the Planning and Zoning Board requested permission to take a look at the tree ordinance.

Commissioner Marivi Walker made a motion to allow Planning and Zoning to review the tree ordinance; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

14. Commission Reports

Commissioner Marivi Walker made a motion to allow the Town Attorney to do some new verbiage based on camping; Vice Mayor Sherri Quarrie seconded; Motion carried 4-0.

15. Task List - 5:39:15

Mayor Alison Dennington said to schedule a standalone short term rental workshop to pick up from the last one and give direction to the Town Attorney to pick up going forward. Asked to add about parking, occupancy and how to enforce it, noise, etc. Also asked him to look into irreparable harm and how to go straight forward with a notice of violation and hearing if it does not meet the irreparable harm standard. Asked the Town Manager to get the date for the workshop.

Town Attorney Ryan Knight said he will draft up a short memo of what you can and cannot do, put together the STR provisions from other Municipalities, and propose changes to the current ordinance.

16. Public Comment

17. Adjournment

Vice Mayor Sherri Quarrie moved to adjourn; Commissioner Marivi Walker seconded, Motion carried 4-0.

Meeting adjourned at 11:42p.m.

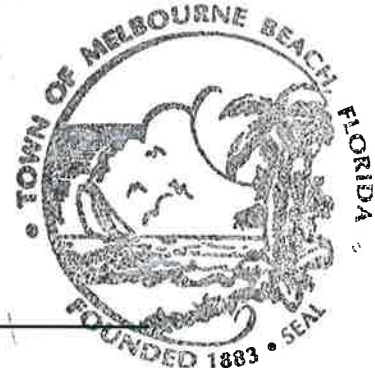


Alison Dennington
Mayor

ATTEST:



Rachel Pembrook (Oct 23, 2024 15:57 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 Applewhite</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>
MAILING ADDRESS <i>507 Ocean Ave Brevard</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Melbourne Beach, FL 32951</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>July 17, 2024</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Melbourne Beach</i>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

JUL 18 '24 AM 12:10

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 Pennington, hereby disclose that on July 17, 2024, 20__ :

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

- inured to my special private gain or loss; ? potentially
- inured to the special gain or loss of my business associate, Furue, LLC
- inured to the special gain or loss of my relative, ? potentially (sons, husbands, Furue, LLC)
- 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:

Furue, LLC is a closely held family LLC. My husband and I are members and managers. It owns property in town. At that property there is a several years long land dispute re town code, & other law related to an action taken against Furue, LLC related to that property and a prebuilt state of sheet.

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.

July 17, 2024
Date Filed

[Signature]
Signature
That case is still pending in circuit court.

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.