

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING**

**WEDNESDAY, JANUARY 20, 2021, 6:30 p.m.  
COMMUNITY CENTER, 509 OCEAN AVENUE**

### **MINUTES**

#### **Commission Members:**

Mayor Wyatt Hoover

Vice Mayor Joyce D. Barton

Commissioner Steve Walters

Commissioner Sherrie Quarrie

Commissioner Corey Runte

#### **Staff Members:**

Town Manager Elizabeth Mascaro

Town Attorney Cliff Repperger

Town Clerk Jennifer Torres

**1. Call to Order**

Mayor Hoover called the meeting to order at 6:30 p.m.

**2. Roll Call**

Commissioners Present:

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie

Commissioners Absent:

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro  
Town Attorney Cliff Repperger  
Town Clerk Jennifer Torres

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

Led by Mayor Hoover

**4. Presentations**

**5. Boards and Committees**

**6. Public Comments**

*Kate Wilborn  
502 2<sup>nd</sup> Avenue*

Ms. Wilborn said she wanted to make the Town aware of the rezoning application for 500 1<sup>st</sup> Avenue. She does not agree with allowing a rezoning because she is concerned with adding more cement to the ground resulting in additional displaced water.

The Town Clerk explained to the Commission that there is a current application on file for 501 1<sup>st</sup> Avenue scheduled to go before the Planning & Zoning Board on February 2, 2021.

Mayor Hoover explained to Ms. Wilborn that there are several steps before approval is given. The first hearing will be at the Feb 2 Planning & Zoning Board Meeting, which she is welcome to attend. After that it will come before the Town Commission for consideration.

*Joe Watts*  
*900 Atlantic Street*

Mr. Watts is a member of the Melbourne Beach Rotary Club. He would like the Commission to consider allowing the club to have an official sign posted in Town recognizing the Rotary Club of Melbourne Beach. Mr. Watts said he wants to remind visitors and residents there is a Rotary Club in Town because they need to build their membership up and he would like some support from the Town.

Mayor Hoover suggested they could discuss the issue further at a future workshop.

*Spencer Howerton*  
*401 Ocean Ave, Suite 200 A*

Mr. Horton is a member of the Melbourne Beach Rotary Club. He reiterated the club's desire to gain new members and wanted the Commission to know that if they would allow the club to have an official sign, the club would fund the purchase and installation of it. They would only need assistance with the permitting process.

He went on to say the club had an amazing turnout for the Pineapple Man event even though they lost participation of between 100-150 people because of COVID. He said it was still a great event and wanted the Commission to know the racecourse is now certified. Next year there will be no organization manager. He thanked the Town for participation.

*Julie Singer*  
*Orange Street*

Ms. Singer would like to start a playgroup and use the Community Center for gatherings. She suggested they pay a teacher \$30 per session and have approximately ten kids for \$6 per child. She felt it would be a good community activity to offer with possible events to include science, musical theater etc.

Commissioner Quarrie explained that the Town Code of Ordinances does not allow people to rent the Community Center and make a profit. She also advised that the Community Center is not currently rented out due to COVID

Ms. Singer said she felt this would be a non-profit venture and wanted to find out the administrative part so after the pandemic she could get the group started.

Mayor Hoover said he felt the best way forward is for Ms. Singer to reach out to the Environmental Advisory Board (EAB) to see if the activity could be hosted by the board as a five-event series. Ms. Singer agreed to reach out to the EAB.

7. **Approval of the Agenda**

**Commissioner Quarrie moved to approve the Agenda as presented; Vice Mayor Barton seconded; Motion carried 4-0.**

8. **Consent Agenda**

- A. Approval of Dec. 2, 2020 TCW Minutes – Town Clerk Torres
- B. Approval of Dec. 16 2020 RTCM Minutes – Town Clerk Torres

**Commissioner Quarrie moved to approve the Consent Agenda as presented; Vice Mayor Barton seconded; Motion carried 4-0.**

9. **Public Hearings**

10. **Old Business**

- A. Consideration of Executed Agreement for approval/appointment for Stewart Capps to serve as the Town's Code Enforcement Special Magistrate – Town Attorney Repperger

Town Attorney Repperger explained that this agreement is to appoint Stewart Capps as Special Magistrate and replace the Code Enforcement Board.

Commissioner Walters asked what Mr. Capp's qualifications are.

The Town Attorney said he has a tremendous amount of experience that includes 25 years as Special Magistrate for Brevard County and as the attorney for Town Code Enforcement Board. The terms of the agreement include an hourly rate of \$125.

Commissioner Walters referred to page 24 of the agreement and asked if there is any limit on the prep work.

The Town Attorney said there was no language related to that but he would add it if the Commission desired. Commissioner Walters said that was not necessary but was something they could keep an eye on.

**Commissioner Quarrie moved to approve Stewart Capps as the Code Enforcement Magistrate and the agreement/contract as presented; Vice Mayor Barton seconded;**

*Paul McLaughlin  
412 2<sup>nd</sup> Avenue*

Mr. McLaughlin asked for clarification on the Code Enforcement Magistrate.

Mayor Hoover said he would act in lieu of board, making the meetings more efficient and less costly in the end. They will be quicker and there will be less legal fees.

*Alison Dennington  
413 Surf Road*

Ms. Dennington questioned the cost and Mayor Hoover explained that he previously served as the Board Attorney – so he was paid. Now instead of spending time giving advice to the Board, he will be making the decisions. He went on to say the Commission has now streamlined the process by changing it from Code Enforcement Board to a Code Enforcement Magistrate.

*Kate Wilborn  
502 2<sup>nd</sup> Avenue*

Ms. Wilborn asked if this change would have any effect on the notice she received for 501 1<sup>st</sup> Avenue – and Mayor Hoover said it would not.

**Motion carried 4-0.**

**11. New Business**

- A. Appoint a Voting Delegate/Director and an Alternate - to serve on the 2021 Space Coast League of Cities – Town Clerk Torres

Mayor Hoover explained to the other members of the Commission how the Space Coast League of Cities functions and the type of time commitment it involves.

**Commissioner Walters moved to nominate Vice Mayor Barton as the Town's Voting Delegate for the Space Coast League of Cities and Mayor Hoover as the alternate; Commissioner Quarrie seconded; Motion carried 4-0.**

- B. Advise the Town how to proceed with handling collection of the BTR/Zoning review fee for Vacation Rental applicants – Town Clerk Torres

Town Clerk Torres explained that the Town needed clarification as to whether the \$500 application fee paid as part of the Vacation Rental Application includes the fees for a Business Tax Receipt and the Town Planner inspection - or if these fees should be charged separately.

Commissioner Walters said he feels the \$500 application fee should include it all. Vice Mayor Barton agreed.

**Vice Mayor Barton moved to include the fees for the Business Tax Receipt (BTR), the BTR application fee and the Town Planner fee in the \$500 Vacation Rental Application fee; Commissioner Walters seconded;**

*Kimberly Collins  
412 4<sup>th</sup> Avenue*

Ms. Collins said she wanted to thank the Commission. She agreed with the decision and said it really simplified the process.

**Motion carried 4-0.**

Commissioner Walters asked for an update on stanchions. Public Works Director Davis said they have not heard anything yet.

**12. Staff Reports**

- A. Town Attorney Report
- B. Town Manager Report

Town Manager Mascaro said she wanted to get an update on Founder's Day. Mayor Hoover said he is not in favor of hosting anything this quarter and thought it best to wait and see how vaccine rollout goes.

Commissioner Walters agreed.

Vice Mayor Barton asked about rescheduling – and the Town Manager said that was a possibility.

Town Manager Mascaro told the Commission the Fire Department has several charitable causes they donate money to and perhaps the Town might consider keeping more money raised in the Town, focused on charitable ideas of their choosing instead of only what the Rotary is doing. She went on to say there were issues with the Pineapple Man Triathlon event – including safety concerns and disorganization. She suggested that until the Melbourne Beach Rotary can stabilize their organization – the Fire Department could help fulfill the responsibilities and bring them back in-house.

Dave Micka, former Town Fire Chief, and current Fire Department Safety Officer, said that back in the 90's they collaborated with the Rotary by splitting the duties and the money and then the Rotary decided they did not need the Fire Department anymore.

Commissioner Quarrie asked if the Rotary owned their own equipment – and Mr. Micka said no, they rent.

Commissioner Quarrie asked him to research costs on insurance.

Fire Chief Gavin Brown said the department is not trying to encroach but if there is a need, they are prepared to get involved.

Mayor Hoover asked if there was a limit on beer events and Chief Brown said yes, they are limited to three per year for non-profits.

Mayor Hoover said his only concern related to the Fire Department taking over events is that the Rotary Club does fund important things at Gemini and if they cannot continue because we stop using them – it is a concern.

Commissioner Quarrie suggested the Town make a list of what to look out for – and what to do – in the event the Rotary cannot do an event.

Town Manager Mascaro then turned the conversation to COVID cleaning at Town Hall.

She explained that the staff has been together through the entire COVID pandemic, working every day in the office. Employees have been taking all precautions including taking temperatures, wearing face coverings, washing hands frequently, using hand sanitizer, etc. With more aggressive strains of the virus on the horizon the Town Manager requested the office be allowed to close at 4 p.m. each day for COVID cleaning; a routine that would include a thorough cleaning of all surfaces, offices, meeting rooms, hallways, bathrooms, doorknobs, the copier, wall fixtures and the lobby.

The Town Manager said she wanted to keep the staff safe – and keep all residents and customers who enter the building – as safe as possible.

The members of the Town Commission asked a variety of questions including whether we have a cleaning service. In response the Town Manager said we do, but their duties are very limited and do not include offices or detailed work.

The Commission raised concerns about not being available for the public during the time between 4-5 p.m.

Town Clerk Torres told the Commission that while other municipalities closed, reduced hours or worked from home, the Town has been open for business throughout and all staff has been on the job with the office staffed from 8 a.m. to 5 p.m. Monday through Friday.

After some discussion, the Commission felt the office should remain available to serve residents and the public. Mayor Hoover said staff could still clean and post a sign announcing the office is COVID cleaning – but directed the staff to continue to answer phone calls and serve customers as well.

*Julie Sandwell  
304 Orange Street*

Ms. Sandwell suggested the Town ask the cleaning service they employ to perform this daily task for an additional fee.

- C. Town Clerk Report
- D. Departmental Reports
  - 1. Building Department
  - 2. Public Works Department

Mayor Hoover asked Public Works Director Davis what kind of paint he was using. He replied that it was water-based, commercial paint.

Public Works Director Davis shared that he met a contractor in Ocean Park and the main issue is the pavement is in poor condition. He felt that as far as numbering for kiosk parking – posts with numbers on them may be the answer.

Mayor Hoover then asked about bike stencils for the roadways. Public Works Director Davis said he did not have any photos to offer and has not received any feedback yet.

Mayor Hoover shared the fact that resident Jennifer Ottomenelli sent in a grant opportunity that may meet the bike issue.

Vice Mayor Barton then asked why we don't fly a flag at the end of Ocean.

Public Works Director Davis explained that the flagpole was top quality when it was first purchased years ago but now it has reached its life expectancy and has severe erosion. His team has worked on it extensively to attempt repairs. It is currently inoperable and to replace it the cost would be \$2,000. Some discussion about removing it from that specific site in order to avoid erosion caused by the water, took place. Mayor Hoover said the issue should be discussed further at another time.

Town Manager Mascaro said there were two walk-on items added to the agenda.

The first is related to the lighting replacement needed in Ryckman Park.

Public Works Director Davis said he received three proposals, two of which did not meet the requirements.

One met all the requirements and he recommends that the Commission approve it. The proposal comes in at a cost of \$31,903 for the park to be equipped with new posted poles and LED (directional down) lighting with a wind rating of up to 180 mph sustained. This would cover all thirteen lights in Ryckman Park. He noted the cost of another quote was \$53,000 and that did not meet all the requirements.

Commissioner Quarrie asked about FPLs decorative lighting program.

Public Works Director Davis said that when you do the math on FPL rentals with a 15 year lifespan, the cost becomes burdensome and added that FPL is for-profit and they make a lot of money off these lights, so in the end, the Town would end up spending more.

Commissioner Quarrie asked about the budget for street lights.

Town Manager Mascaro said that money is not budgeted because they didn't anticipate having to replace lights this year which is why they now need to discuss where that money will come from.

Some options she mentioned included; the \$50,000 allotted for Town Hall to get new software – and while this is very necessary – it could be pushed out another year.

Commissioner Quarrie asked if there was any money left over from the playground equipment.

The Town Manager said no, that money was spent. She said we do have money for the roof at Town Hall in long-term capital.

The Commission discussed other options including putting off the Orange Street project or doing half this year and half next.

Some temporary suggestions for the park lighting were discussed including; closing the park at night, and motion, solar, or flood lights.

The Town Manager addressed the second walk-on item – which was possible mold found at Town Hall.

She explained that the air conditioning company came out and found what looked like mold in the ductwork of the air handler.

The consensus of the Commission was that if mold is present at Town Hall – that issue takes precedence over park lights – and it could be costly.

Town Manager Mascaro said she would have experts come out to clarify if there is a mold issue and determine costs.

Mayor Hoover asked if she needed Commission approval to move forward or if it would be better to schedule a special meeting once an estimate came in.

Town Manager Mascaro said it would be good to allocate funds out of the budget now. The cost for the mold remediation of a 17,000 square foot space could be estimated at \$30,000.

Public Works Director Davis asked the Commission if they would like him to get the costs/quotes and then have them approved at an emergency meeting.

Mayor Hoover asked if the Commission members could attend a special/emergency meeting on Friday at 9:30 a.m. All members agreed.

The Commission advised the Town Manager to temporarily close Ryckman Park from sunset to sunrise until the lighting issue can be resolved.

3. Code Enforcement
4. Police Department
5. Fire Department

Fire Chief Brown announced that five new members of the department received Fire 1 Certification and several members also took part in a Wildland Fire Certification Class.

6. Finance Department

**Commissioner Quarrie moved to approve the December Finance Report as presented; Vice Mayor Barton seconded; Motion carried 3-1 with Commissioner Walters in dissent.**

### **13. Town Commission Comments**

#### **A. General Comments**

Commissioner Walters asked for an update on former Officer Tilesio and his notice of intent to sue the Town. Town Attorney Repperger said if he does move forward with that he would send it to the league. Commissioner Walters asked the Town Attorney to follow the issue as the Town Charter requires.

#### **B. Review of Commission Action List**

### **Updated:**

- Audio/Microphones: Push to February 17 RTCM
- Crossover Assessment: The crossovers have been cleaned out and the job will be complete by the end of the week. Work must stop at the end of February and can be picked up again in the fall. Update again at July 21 RTCM.
- Contract with the Avenue MB HOA: Push to February 17 RTCM
- Charging Station: Due to finances this item will be updated again at April 21 RTCM.

The Town Manager gave a brief update on the Orange Street drainage improvement and resurfacing project. She said that 309 has a contract on it and the prospective buyer is an architect who says he wants to make the property beautiful.

Commissioner Walters said he wanted to bring up the fact that the staff has 11 paid holidays. He referred to an email he received from the Town Clerk. In it he said it was stated that Martin Luther King Jr Day was a legal holiday for staff to take off and he

believes it isn't. Instead, he said, it is the only federal holiday that is designated as a community service day.

For reference the email sent to the Commission read:

*Martin Luther King Jr. Day is a Federal and State holiday observed on Monday Jan. 18th however it is not observed as one of the Town's holidays and I've had a few people (outside the office) ask why.*

*State, Federal and County government offices are closed in observance. The City of Indian Harbour Beach and Rockledge are also closed. From what I can glean, as a public employer, the Town of Melbourne Beach is required to observe certain state holidays (including MLK Day) and must grant employees paid leave. I wanted to bring this to your attention for possible consideration of recognizing Martin Luther King Jr. Day, January 18th, as a Town holiday – or provide staff with the reason we don't - so we can share it with the people who inquire.*

Commissioner Walters said that when he learned the staff had taken the day off, he asked the Town Manager who approved it and didn't receive a response – adding that it's expensive to give a day off and he wanted to bring it up so it doesn't happen again. He proceeded to read all the days off employees receive and said it was his belief that staff picked their birthday as a day off over Martin Luther King Jr. Day.

The Town Clerk asked Commissioner Walters when that took place because she could find no record of any discussions previously conducted on the subject of Martin Luther King Jr. Day.

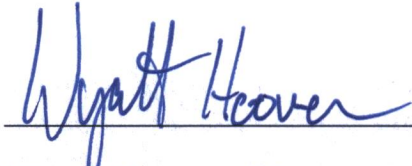
Commissioner Walters said he would try to locate that information.

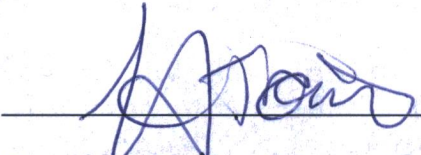
Mayor Hoover said he gave permission for the day off and responded directly to the Town Manager with this because he thought it was appropriate and he supported it. He also said he liked the concept of a service day. He suggested they review the holiday schedule during the February 3, 2021 Workshop.

**Commissioner Quarrie moved to adjourn; Vice Mayor Barton seconded; Motion carried 4-0.**

The meeting adjourned at 8:59 p.m.

**ATTEST:**

  
\_\_\_\_\_  
**Wyatt Hoover, Mayor**

  
\_\_\_\_\_  
**Jennifer Torres, Town Clerk**