

# **Town of Melbourne Beach**

## **MINUTES**

### **REGULAR TOWN COMMISSION MEETING FEBRUARY 16, 2022 at 6:00 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE**

#### **Commission Members:**

Mayor Wyatt Hoover  
Vice Mayor Joyce D. Barton  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte  
Commissioner Marivi Walker

#### **Staff Members:**

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

## **1. Call to Order**

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

## **2. Roll Call**

Town Clerk Torres conducted the roll call

### **Commission Members Present**

Mayor Wyatt Hoover

Vice Mayor Joyce Barton

Commissioner Sherrie Quarrie

Commissioner Corey Runte

Commissioner Marivi Walker

### **Staff Members Present**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

Town Attorney Clifford Repperger

Public Works Director Tom Davis

Fire Chief Gavin Brown

Building Official Robert Bitgood

## **3. Pledge of Allegiance**

Mayor Hoover led the Pledge of Allegiance

## **4. Presentations**

An Energy Report was presented by Environmental Advisory Board Intern Amanda McClure.

## Public Comment

*Dan Brunger*  
400 6<sup>th</sup> Avenue

Mr. Brunger suggested the Town look into FPL offerings related to solar panels.

*Jim Simmons*  
409 Avenue B

Mr. Simons was happy to see the motion detectors added to bathrooms and suggested the use of spray foam for attic insulation.

*Curtis Byrd*  
Chairman, EAB

Mr. Byrd extended his thanks to EAB intern Amanda - adding that she has been doing a great job and he is very proud of her.

The Commission thanked Ms. McClure for the nice presentation.

Commissioner Quarrie suggested a workshop to go over the EAB report in more detail – in March or April.

## 5. Board & Committees

### A. Appointments and Reappointments to Town Boards

1. Reappointment of Curtis Byrd to the Environmental Advisory Board for a term of two years, ending February 16, 2024

**Vice Mayor Barton moved to reappoint Curtis Byrd to the Environmental Advisory Board; Commissioner Runte seconded; Motion carried 5-0.**

2. Reappointment of David Campbell and April Evans to the Planning & Zoning Board for a term of two years, ending February 16, 2024
3. Appointment of Dan Harper as an alternate or member to the Planning & Zoning Board for a term of two years, ending February 16, 2024
4. Reappointment of Robert Schaefer and Xochitl Ross to the Board of Adjustment for a term of two years, ending February 16, 2024

For items 2-4 under Boards and Committees, Mayor Hoover said he would like the opportunity to speak in person with all applicants and reapplicants for both the Planning & Zoning Board and the Board of Adjustment. He suggested the Commission extend the length of any expiring term for one more month until they have the opportunity to speak to them during a workshop in March.

Vice Mayor Barton mentioned that another resident, David McClure, was interested in serving on the Planning & Zoning Board.

The Town Clerk advised her that Mr. McClure could submit his application for consideration by next Wednesday for consideration at the workshop.

Commissioner Runte agreed that he would like the opportunity to meet with everyone.

Mayor Hoover asked the Town to request the attendance of all applicants at the March workshop. He also requested a resume from each and their individual voting records for 2020 and 2021.

**Vice Mayor Barton moved to extend the service period for each current Planning & Zoning and Board of Adjustment Board member/reapplicant for one more month or until the Commission has hosted a workshop to review all applications; Commissioner Runte seconded; Motion carried 5-0.**

5. Reappointment of James Maguire to the Police Pension Board for a term of two years, ending February 16, 2024

**Commissioner Quarrie moved to reappoint James Maguire to the Police Pension Board; Commissioner Walker seconded; Motion carried 5-0.**

B. Appointment to the Melbourne Beach Library Advisory Board

Before appointing a commissioner to serve on the Board, The Commission asked the Town to advertise the position to see if a resident would like to volunteer. If no one steps up, they will appoint someone at the next meeting.

**Vice Mayor Barton moved to advertise the volunteer position to the public prior to appointing a Commissioner to serve on the Library Advisory Board; Commissioner Walker seconded; Motion carried 5-0.**

## **6. Public Comments**

*Jim Cannon*

*New Intergovernment Coordinator at St John's River Management*

Mr. Cannon wanted to introduce himself as a liaison to St. John's River Management and to let the Commission know if they need to reach someone in the district he is available.

*Curtis Byrd*

*EAB Chairman*

Mr. Byrd said they had a great sea oat planning. He thanked the Town for providing sea oats. They planted close to 1,000 plants and cleaned up a lot of invasive plants. He mentioned the clams program they have with the zoo. They will be getting an oyster reef soon as well.

## **7. Approval of the Agenda**

**Commissioner Runte moved to approve the agenda; Commissioner Quarrie seconded; Motion carried 5-0.**

## **8. Consent Agenda**

- A. Approval of January 12, 2022, TCW Draft Minutes
- B. Approval of January 19, 2022, RTCM Draft Minutes
- C. Site Plan Approval for 406 1<sup>st</sup> Avenue
- D. Site Plan Approval for 208 2<sup>nd</sup> Avenue

Commissioner Quarrie asked the Building Official to explain the tree removal at 208 2<sup>nd</sup> Avenue and why it was approved for the public record.

Building Official Bitgood explained that the Oaks that were removed were classified as Scrub Oaks – and were not considered beneficial. Both Scrub Oaks and Dune Oaks are not necessarily coveted in a landscape plan. In the landscape plan from the architect and the owner – they have already planted native trees. He went on to say that the owners have gone above and beyond to mediate those removed Oaks.

He wanted to clarify that even though trees may be classified as “Oak” - this can include Oaks that are not advantageous to the area.

Mayor Hoover asked about Page 137 which states 22 trees were replaced – but on page 137 on the outline of the new plan – he counted 18 trees. He didn’t want to make an issue out of it – only to point out there should be consistency in those numbers.

Vice Mayor Barton said she thought the owners did a great job with remediation in the landscaping.

Building Official said this issue provided a very good start and solid foundation for a better process. He felt this process is headed in the direction the Town wants to go.

Commissioner Runte said the situation was a good learning experience. The code is outdated and this site plan was a perfect example of that. The owners of this property have gone above and beyond to assist in the process.

*Jim Simmons*  
*409 Avenue B*

Mr. Simmons said he couldn't believe what he just heard about Scrub Oaks. He said they are not a nuisance and replacing them with some Wal-Mart plants is not an appropriate solution. He can't believe the Town would consider them a nuisance. We don't make decisions based on what looks good – we base them on what's good for the environment. Trees are there for the water system and the ecosystem. Saying they are not desirable plants is unbelievably wrong. They are the right size for a normal lot and Scrub Oaks are home to owls and birds and their root structures that help the environment.

Mayor Hoover said one of the things that have become clear in this conversation is that the tree permit process requires a lot more clarifying.

Commissioner Runte said we will get community input at a workshop and hear what our residents think is important. But you have to consider that as a Town we have the most strict retention requirements of any municipality in Brevard County. There are a lot of moving parts. We all have the same goal. The code is outdated and needs to be fixed.

**Commissioner Quarrie moved to approve the Consent Agenda; Vice Mayor Baton seconded; Motion carried 5-0.**

## **9. Old Business**

### **A. Consideration of site plan approval for 419 Avenue B**

Town Manager Mascaro explained that the owner has presented a new plan that provides for a substantial number of replanted trees and the owner is now in complete compliance.

*Jim Simmons*  
*409 Avenue B*

Mr. Simmons asked the Town Clerk to include the letter he provided last month in the minutes. He proceeded to read the letter.

*Subject: Comments for the Record - Site Plan, 419 Ave B, Melbourne Beach*

*Town Manager, Mayor, Vice Mayor and Honorable Commissioners,*

*After reviewing the site plan for the subject property (attached to the Agenda for tonight's RTCM), several issues are readily apparent.*

*1. The site plan, which shows 24 trees marked for removal, is not compliant with the Town's Land Development Code (LDC), Section 9A -6(b), which states -*

*"(1) Removal. No permit shall be issued for tree removal unless one of the following conditions exists:*

*a. The tree is located in a buildable area or yard where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property;*

*b. The tree cannot be relocated on or off site because of age, type or size of tree;*

*c. The tree is diseased, dead, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations; or*

*d. It is in the welfare of the general public that a tree be removed for a reason other than set forth."*

*This was a beautiful lot and it has been violated -*

*- Only six of these trees are under the primary structure*

*- Five of these trees are adjacent to the driveway or are on the lot line where no construction will occur*

*- Four of these trees are under where an extended driveway/parking area is planned*

*2. Town processes were not followed – The Building Official issued a tree removal permit to remove all 24 trees before the site plan was reviewed and approved by the Town Commission.*

*a. The tree removal permitting process is not intended to supplant the Commission's site review/approval process. The specific purpose of the Town Commission review/approval is to ensure that this type of activity does not occur.*

*b. Because the site clear cutting has already occurred, the Town Commission has been denied the opportunity to ensure that Town Codes are adhered to, which specifically values trees (ref LDC, para 9A-2, "The intent of this article is to preserve trees whenever and wherever they exist...enhancing the health, welfare and beautification of the Town.")*

*3. Many of these trees were removed in order to comply with other codes, including water retention – Several of these trees were in areas in which the owner designated water retention areas. The Town's Codes are not a "pick list". They are our laws and, as such,*

*are all to be complied with. The proper process, in these cases, is for the design to be modified such that it comes into compliance with all codes or that a request for variance be filed for BoA consideration. It is not within Town Staff's purview to ignore our laws. (I have further heard that the owner has been told that he must mitigate the damage by planting two hard wood trees, but that the retention areas may prohibit the survival of these trees. That is not the Town's issue. The owner must determine how to come into compliance.)*

*As we have recently seen, bigger and bigger houses are being built on existing lots. These issues are going to become more common. Many of the issues result from the fact that the desired houses are too big for the lot. Will the staff now allow encroachment onto setbacks and water retention areas, or violations of height restrictions, or violation of any of our other myriad codes just because the desired house cannot be built without these violations?*

*The Town must stand by its codes and the staff must follow them and our processes*

**Vice Mayor Barton moved to approve the Site Plan for 419 Avenue B; Commissioner Runte seconded; Motion carried 5-0.**

## **10. New Business**

### **A. Consideration of Approving Letter in Support of the Founders Monument Project**

Mayor Hoover presented a letter he wrote in support of the Founders Monument project and asked for the Commission's support to send it, adding that it does not commit the Town to any financial support to the project.

Vice Mayor Barton said she wanted to make it clear that she is not a prejudiced person, but she doesn't believe that any more monuments need to be erected. She questioned why the monument was of three black men in an era when statues and monuments are being torn down and defaced as a representation of injustice in an attempt to get this sector or this ethnic group or race some recognition – or to appease that.

She went on to say that erecting this statue would be like opening Pandora's Box. She also questioned what made these particular individuals notable.

She also questioned why it is a statue of three men and no women. She has a problem with that too. She said she felt the plan is misdirected. She went on to say it doesn't have to go unrecognized – but instead of a big monument, it could be a plaque at the Chamber of Commerce. She went on to say - what are we were going to do next time some other ethnicity comes in and wants to erect a statue? She wanted to know where they draw the line and also expressed concern over rallies and events there and who will maintain it and



clean up after events – and she also wanted to know what the residents there think about this. She has an issue with the whole concept and is not in support of it.

Mayor Hoover responded to her queries by saying that the three men were chosen because they are the founders of Crane Creek - the original settlement – and the people who want the monument and are lobbying for it are the citizens of South Brevard where the statue will be located.

Vice Mayor Barton commented that it's a very obscure park where they want to put the monument and said it has a reputation. She stated she has never been there.

Commissioner Quarrie said the Town donated money toward at-risk housing in that area and she is more in favor of supporting something that would increase the funding toward at-risk housing rather than a monument.

Commissioner Runte asked about the amount of money being raised/ spent.

Commissioner Quarrie said \$400,000.

Commissioner Runte asked about the group raising the money. He said he is familiar with the park. It was once home to drug dealers and prostitutes. He said the city has invested quite a bit of money into it and they currently have a farmer's market every weekend. He wanted to know why they need a letter from Melbourne Beach. He supports their fundraising but said the Town can't contribute to it.,

He agreed the money could be better spent on another project like at-risk housing or Club Esteem.

Mayor Hoover said he would send a personal letter of support.

**No motion to move forward.**

**B. Consideration of Proclamation for Human Trafficking Awareness Month**

Vice Mayor Barton submitted this item last month because January was Human Trafficking Month – but she was ill and couldn't attend the meeting. She would still like to see it passed. She introduced the Proclamation and said that Human Trafficking is underground and extremely deviant. She explained that trafficking involves all areas and includes labor trafficking and organ trafficking. She said it's becoming big business and affects us in our communities. She feels they need to raise more awareness for this issue in order to support and assist victims.

**Commissioner Runte moved to accept and approve the Proclamation to proclaim January 2022 as Human Trafficking Awareness Month; Commissioner Walker seconded; Motion carried 5-0.**

### C. Consideration of New Code of Ordinance for Outdoor Seating with Roof

Town Manager Mascaro said she would ask that the Commission grant her the authority to engage the Town Attorney and the Town Planner to look at what they can do in 6B or include to 8B.

Mayor Hoover said he is in favor of moving forward. He would like to focus on permanent roof structures as opposed to just fabric.

Vice Mayor Burton said she recently attended the International Builders Trade Show and brought back some literature to Town Manager Mascaro. She went on to say that a lot of businesses have had to make changes and the designs they have are very nice and very effective with designs in which the water runs over into a gutter and drains off.

Commissioner Runte said a 35-foot setback in the downtown area is ridiculous and there are too many regulations. He said we are a transient bedroom community and these businesses in Town would not survive without the transients. He said he feels a commitment towards helping them succeed.

Commissioner Walker said there is no reason not to allow a nice shade sail.

Commissioner Quarrie said the Commission should allow the Town Manager to move forward and include a plan for all business –not just eating establishments.

*Jim Simmons  
409 Avenue B*

Mr. Simmons said that all of these businesses back up to homes. He feels the businesses are doing quite well and suggested they expand as opposed to putting up a tent.

Commissioner Runte said they cannot easily expand their buildings.

Mayor Hoover clarified they are speaking about 6B.

Mr. Simmons said the setbacks are there for a good reason. We have not had a business fail in a long time and there is a proper process is to go through - the special exception process.

Commissioner Runte said he disagreed with everything Mr. Simmons said. Property owners know what they are doing when they purchase a home that backs up to a business.

**Commissioner Runte moved to approve allowing the Town Manager and staff to research and prepare a new Ordinance to update our Town Code in 6B with temporary or permanent structures; Vice Mayor Barton seconded; Motion carried 5-0.**

D. Consideration of Finance Resolution 2022-02

**Commissioner Quarrie moved to approve Resolution 2022-02;**  
**Commissioner Walker seconded; Motion carried 5-0.**

E. Consideration of Estimates to replace A/C units in Town Hall

Public Works Director Davis explained the reasoning behind the replacement.

He believes the same A/C company should handle the issue. Town Manager Mascaro handed out a list of the prior costs related to A/C units.

Commissioner Quarrie questioned that if we only did one – there would be additional costs having to do a second one later. It would be more practical to do two at a time if the money to do two is available.

Town Manager Mascaro said we only have the money to replace one at this time.

Public Works Director Davis did not have three estimates and was instructed to get three current bids for the work and then the Commission will convene a special meeting – before the workshop in March. They also instructed him to get the cost for a second unit as well.

**12. Staff Reports**

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

We may need to research other banks and other systems due to the service fees we are incurring.

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

Commissioner Quarrie asked when the roof replacement on the Community Center is budgeted in. She asked if the money we have set aside is enough.

Public Works Director Davis suggested it be added to the budget next year. He will research replacement costs at Commissioner Quarrie's request.

Commissioner Runte suggested spring foam insulation on the roof deck.

Commissioner Runte said the paint on the Melbourne Beach sign appears to be melting and asked PWD Davis to look into the pricing for a new one.

Town Manager Mascaro mentioned the new bike racks they installed.

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

**Commissioner Runte moved to approve the Finance Report; Commissioner Walker seconded; Motion carried 5-0.**

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

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

Commissioner Quarrie said there are two critical things they need to focus on going forward. First is their commercial situation and second – they must get their building code tightened up. We have people coming in who want to build McMansions and we have no way to address that. She asked the other Commission members to please submit their comments and suggestions on this issue so they can move forward.

Mayor Hoover said he would be out of town on March 16 – the day of the next RTCM. He wanted to know if the Commission would be open to changing the meeting day to Tuesday, March 15, 2022, instead. The Commission agreed to change the date.

**Commissioner Runte moved to change the date of the next Commission meeting from March 16, 2022, to March 15, 2022; Commissioner Walker seconded; Motion carried 5-0.**

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

##### **Updated Action Items**

##### **- S.E.A. PROJECT**

Town Manager Mascaro said she and Neil plan to get together and are working on it. Update again in March. Commissioner Runte thanked Neil for his time and expertise.

Commissioner Walker said she realized the project may take a long time – but asked if they might consider two small items to give Ocean Avenue a bit of an upgrade. She suggested more permanent tree lighting and nicer street signs along Ocean Avenue as well as new trash cans in the park and throughout town. The focus should be on the area from the stoplight on both sides of the street (uplighting and street lighting.)

**– Add to Action Item for next meeting.**

Town Manager Mascaro said they had an electrician come out and they don't have enough to light the lights along the sidewalk – they need to bring in a company to take electricity from poles to the outer area. We have two outlets currently and need additional outlets. Commissioner Walker asked if the Town Manager could research the costs involved. Commissioner Runte suggested solar lighting.

Town Manager Mascaro said Vice Mayor Barton attended a builder's show that introduced some great new ideas and she provided that literature to Town Hall for review.

Vice Mayor Barton said they had some beautiful stop signs. She mentioned that Rockledge looks beautiful.

Commissioner Runte asked where we were at with the landscape RFP. Town Manager Mascaro said it is still being worked on. They are in the process of working on the Bi-centennial trying to come up with an initial plan. The issue is that they need someone to maintain it. We are trying to reach out to them.

Mayor Hoover suggested a grant involving FDOT funding for Bicentennial park and making it a beautiful entrance to the Town with a beautiful new sign. Perhaps an LED sign. Town Manager Mascaro reminded the Commission they are responsible for maintenance and if anything dies – they are responsible. They will continue to work on the project and will bring it forward once they have done proper research and have information that the Commission can actually use to execute their vision.

**- Research the term multi-generational in terms of building code and its use in other municipalities, aka “Granny Suites.”**

Commissioner Quarrie said a granny suite is a term used by the property appraiser that allows a homeowner to build a suite for an elder relative and receive special tax considerations.

Mayor Hoover said he doesn't want to prevent this and wants to make sure our code is in line with this. If someone wants to build a suite with a kitchen for their parent – he does not want to interfere with this. He wants to support multi-generational living arrangements.

He went on to say if a homeowner builds a second kitchen to rent out an area in their home – he also supports that – because owner-occupied rentals are best.

The criteria of the “granny suite” was discussed. Commissioner Quarrie said it allows for a second kitchen area. As long as the elderly relative is not on the deed and the space is built specifically for that person.

Town Manager Mascaro all the research is pointing toward an increase in multi-generational living.

Commissioner Quarrie said the problem is a lot of people are afraid those two-kitchen homes will turn into multi-family homes - so the code has to be clear.

She asked the Town Attorney to guide them.

Mayor Hoover said if someone is building a granny suite – Planning & Zoning would deny it.

Commissioner Quarrie said you have to go to the county first.

Town Attorney Repperger said he and the Town Manager will have a discussion on the granny-suite (two kitchens) issue and bring it to the Commission at the next meeting. – **Add to Action Item for next meeting.**  
- **Evaluate audio equipment in the Community Center**

Town Clerk Torres presented the Commission with an estimate for audio updates in the Community Center and a list of various nearby municipalities that have updated/replaced audio equipment and the costs they incurred.

Mayor Hoover said he was interested in purchasing audio-visual equipment. He suggested purchasing two large-screen monitors for either side of the Community Center. He said the Indian Harbour Beach meeting space utilizes a good display using flat screens. One screen faces the Commission and the Town Clerk – and the other is for the audience where they can see the presentations and agenda items.

Commissioner Quarrie worried about getting “too fancy”.

Town Manager Mascaro suggested altering the fireplaces to make better use of them to incorporate audio-visual equipment. Commissioner Quarrie suggested hiding the wires to a television in a covered box placed in the fireplace.

Town Clerk Torres will check with Indian Harbour Beach and see what system they use. Commission Runte suggested contacting RB communications. – **Update at next RTCM**

### **Closed Action Items**

- **Research golf cart parking and bike rack installation**

Public Works Director Davis said the bike racks have been put out. The signs for golf cart parking will be erected.

Mayor Hoover said in the past the Town declined to have its own low-speed certification process. In speaking to other Mayors in the other beachside municipalities who have this process say they have had no issues with certifying these cars. They have expressed interest in having a Satellite Beach to Melbourne Beach g-pass (sticker).

Commissioner Runte said Riverside and A1A are both 35 mph (the speed at which these carts are allowed to travel.)

Some discussion over the requirements ensued.

Mayor Hoover suggested they make the g-pass collaborative with other municipalities to allow residents to travel back and forth on their certified carts.

Commissioner Quarrie said she recalls the Police Chief not being in favor of this and wanted her support and input.

Mayor Hoover said he was told that Indialantic may be open to sharing the burden of inspection with us.

#### **New Action Item**

Commissioner Runte asked the Town Manager if they could get the written golf cart certification process from Indialantic so they can review it.


Mayor Hoover suggested that this issue can be discussed at the next South Beaches Coalition Meeting as an agenda item. - **Discuss at next RTCM**

#### **14. Adjournment**

**Commissioner Runte moved to adjourn; Commissioner Walker seconded; Motion carried 5-0.**

The meeting adjourned at 9:10 p.m.

**ATTEST:**

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

  
\_\_\_\_\_  
**Amber Brown, Interim Town Clerk**

Minutes were approved but not signed.