

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING**

**WEDNESDAY, FEBRUARY 17, 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  
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**

***Jim Simmons***  
***409 Avenue B***

Mr. Simmons commented that in the Town Manager report, under item 8 – Emergency COVID Resolutions, he expected that this would be a temporary measure because 1.) It's against our code unless you have special exception and 2) it's unfair to businesses who have gone through the special exception process and to those who are already legally able to serve food and liquor.

***Bob Semones***  
***149 Moonlight Drive***

Mr. Semones said he would like to see the resident-only parking policy changed to allow free parking for residents who live in the unincorporated portion of Melbourne Beach.

***Ron Holihan***  
***447 Fairway Drive***

Mr. Holihan also felt that residents of unincorporated Melbourne Beach should receive resident-parking decals.

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

Ms. Wilborn asked the Town Attorney to look into the company who did the recent stormwater repairs near her home to see if the warranty is still active. She experiences flooding on her property. She felt a pump would be a low cost fix for the issue and she can't understand why this is being neglected.

Mayor Hoover asked the Town Attorney about the contract related to that stormwater project.

Some discussion ensued between Commission members.

Town Manager Mascaro said they have not observed a flood situation there.

Commissioner Runte said he's only seen pictures of flooding during a hurricane and suggested the Town Manager contact BSE to find out if the pipe goes uphill.

Ms. Wilborn said it goes one-foot uphill.

Mayor Hoover created an **Action Item** instructing the Town Manager to reach out to BSE for specific information related to the stormwater issues in this area. The Town Manager said she would update them at the March RTCM.

**Jim Simmons**  
**409 Avenue B**

Mr. Simmons clarified the name of the company who completed the project

**Frank Kofflin**  
**406 1<sup>st</sup> Avenue**

Mr. Kofflin said the issue may be with the water from above. It comes from Ocean Avenue, turns on Pine and heads to her house. He suggested they take the water load off the system at 2<sup>nd</sup> and Pine because he feels there are more issues than a pipe going uphill.

**7. Approval of Agenda**

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

**8. Consent Agenda**

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

**9. Public Hearing**

Application for Land Use Plan Amendment and Rezoning (with Binding Development Plan) for 500 1st Avenue, Melbourne Beach



- 1) Ordinance 2020-01; Future Land Use Amendment
- 2) Ordinance 2021-02; Rezoning
- 3) Binding Development Agreement

Town Attorney Repperger addressed the Commission and those in attendance by explaining that this is an application filed by the owners of 500 1<sup>st</sup> Avenue and three components would be considered tonight; Future Land Use, Rezoning and a Binding Development Agreement. He said there are two ordinances; 2021-01 and 2021-02. He advised they handle everything under one presentation so the applicant does not have to reiterate everything more than once. The Commission agreed.

Town Attorney Repperger read the Ordinances.

#### ORDINANCE NO. 2021-01

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE TOWN OF MELBOURNE BEACH COMPREHENSIVE PLAN ADOPTED PURSUANT TO SECTION 2A-1 OF THE LAND DEVELOPMENT CODE TO CHANGE THE FUTURE LAND USE DESIGNATION ON A .41 ACRE PARCEL OF LAND DESCRIBED AS LOTS 11 AND 12, BLOCK 1, PLAT OF WILCOX MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AS MORE FULLY DESCRIBED HEREIN, FROM SINGLE FAMILY TO RESIDENTIAL/BUSINESS; PROVIDING A SERVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

#### ORDINANCE NO. 2021-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICAL ZONING MAP OF THE TOWN OF MELBOURNE BEACH ADOPTED PURSUANT TO SECTION 7A-15 OF THE LAND DEVELOPMENT CODE TO CHANGE THE ZONING ON A .41 ACRE PARCEL OF LAND DESCRIBED AS LOTS 11 AND 12, BLOCK 1, PLAT OF WILCOX MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AS MORE FULLY DESCRIBED HEREIN, FROM 3RS (SINGLE-FAMILY) TO 8B (RESIDENTIAL BUSINESS ZONE) WITH A PROPOSED BINDING DEVELOPMENT AGREEMENT RESTRICTING THE USE OF THE PROPERTY TO NO MORE THAN FOUR (4) MULTIFAMILY RESIDENCES WITH NO ALLOWABLE COMMERCIAL USES; PROVIDING A SERVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING



ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING AN ADOPTION SCHEDULE

Town Attorney Repperger said it was important to note that the Planning & Zoning Board heard the matter during their February 2, 2021 meeting and recommended denial of both ordinances and the BDA in a unanimous vote.

The applicant Frank D. Kofflin was in attendance and addressed the Commission.

***Frank D. Kofflin***  
***500 First Avenue***

Mr. Kofflin acknowledged that Planning & Zoning denied his application but said he wasn't surprised given the fact that they seemed to be predisposed to that position. He proceeded to address some of the concerns and questions raised by saying:

- He is trying to redevelop the property in the best way possible.
- The property does not share a common boundary with any other residential property.
- A comment was made as to the size of the lot by someone who backs up to a condominium with 30 units. He assured that they are not trying to get anywhere near that. He wants it to look nice, and not be crowded, that's why it is at a 4-unit maximum.
- The real safety issue of traffic already exists. After the Police Chief put a speed trailer on his lot and 2,200 cars went down his street, only 170 were speeding. The real safety issue is cut-through traffic and not someone pulling out of a driveway that lives there. Speedbumps might help mitigate cut-through traffic and increase safety.
- We know drainage is a problem – but whatever we develop on the property – we would be required to retain all the water on the property. Our proposed project would not add any flooding.
- VRBO – We don't have any intention to do a VRBO – and this use would not be allowed if we rezoned. However, someone could buy it now and turn it into a VRBO.
- Affordable housing is an oxymoron in Melbourne Beach right now. The key to having a nice town is to have some affordable properties.
- This block was originally split up into lots for development.

**The item went back to the Commission and members asked Mr. Kofflin series of questions.**

Vice Mayor Barton asked what his intention was with the units.

- A. The intention is to build and sell and maybe keep one for myself. Rentals would be a minimum one-year lease.

Mayor Hoover asked if he would be subdividing it.

A. No. It will still be one parcel.

Commissioner Runte asked where he owns property in Indialantic.

A. On the corner of 11<sup>th</sup> Ave and A1A where we are zoned for 5 units – but only built four because we thought five was too crowded.

Commissioner Quarrie said in his application he made a statement under purpose and intent that in 1957 the present zoning was not acceptable. She wanted to know how he arrived at that since it's on record the Town complex was there and so was the church.

A. The church was built in 1991. When I moved here in 1990, Town Hall was not here, there was no public works building or 2-bay fire department. In 1957 when the house was built there was no real development.

Commissioner Quarrie went on to say that what she is getting at is that it was always the intention that the house would be surrounded as it is. The zoning was created to enable a center and historical homes could be made into businesses right on the main street. She added that she did not think his project was in-line with what the Town's predecessors wanted.

Further discussion ensued related to traffic impact, density, and bicyclist and pedestrian safety,

## **Public Comments**

***Tim Scanlon***  
***1003 Pine Street***

Against rezoning. It will result in a serious degradation of life for people in the neighborhood. He said the infrastructure was not designed for multi-family and there are other properties available on Ocean Avenue so there is no reason to go into residential neighborhoods where there is high density of traffic and pedestrians already.

***Amy Peterson***  
***305 6<sup>th</sup> Avenue***

In support of rezoning. If they have an HOA, it can be beautiful. She has five cars at her home and they have a traffic issues if they all leave at the same time.

***Jim Simmons***  
***409 Avenue B***

Against rezoning. While he is sympathetic to affordable housing ideas, he thinks they should be on Ocean Avenue. He's also not sure that short-term rentals can be restricted through the BDA.

Town Attorney Repperger said it can be enforceable and added into the BDA if desired by the Commission.



**Amy Rickman**  
**303 Sunset Blvd.**

Against rezoning. Land use plan was well thought out. Against encroaching on single family homes with an apartment building.

**Judy Baker**  
**419 First Ave**

Against rezoning. Ocean Ave and A1A is a business district, nowhere else. It would set precedent to approve this.

**Pete Peterson**  
**305 6<sup>th</sup> Ave**

Against rezoning. It was zoned this way for a reason. This is just not the location for it.

**John Hart**  
**407 Surf Road**

Against rezoning. It would set a bad precedent.

**Frank Lagrossa**  
**412 1<sup>st</sup> Ave**

Against rezoning. This could be a watershed moment in this Town – as so many towns that were once nice places. But when leadership had the tools to protect the town - they lacked the will, but right now the Commission has the power to reject this.

**Adriana Cruz**  
**507 Ave**

Against rezoning. Likes the small town feel.

**The item went back to the Commission.**

Commissioner Runte said that he is a partner in a commercial construction firm in Brevard County. Melbourne Beach is special place and while the applicant made valid points it was purchased knowing that there were rules that came with the property. Instead, he would like to see a redevelopment project on Ocean Ave.

Vice Mayor Barton noted that Mr. Kofflin gave a nice presentation. She agreed with the need to offer more affordable housing but felt this was the wrong property for the project.

Mayor Hoover said he appreciated Mr. Kofflin's efforts and the time he put into the presentation but he wants the Town to maintain its current charm and does not feel this project is something he can support.

Mr. Kofflin thanked the Commission for their consideration.



**Commissioner Runte moved to deny Ordinance 2021-01 for Future Land Use Amendment on 500 1<sup>st</sup> Avenue; Commissioner Walters seconded; Motion carried 5-0.**

**Commissioner Runte moved to deny Ordinance 2021-02 for Rezoning on 500 1<sup>st</sup> Avenue; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Runte moved to deny the Binding Development Agreement for 500 1<sup>st</sup> Avenue; Commissioner Walters seconded; Motion carried 5-0.**

**10. Old Business**

A. Review of Town Holiday schedule and considerations for observing Martin Luther King Jr. Day holiday.

Town Manager Mascaro asked employees to complete a confidential survey asking their opinion on the holiday schedule. The resulting conclusion was that most employees felt MLK Jr. Day should be added to the Town's holiday schedule without taking away any other current holiday.

Mayor Hoover said the conversation is not with respect to staff preference but how does the Town want to represent and respect the holiday.

Commissioner Walters felt the staff should not receive an additional holiday and instead should give up another current day off in replacement of it - such as their birthday. He also noted that the day is a national day of service and the residents suffer if Town Hall is closed.

The Town Manager said that police don't have holidays – except for their birthday, so taking that away would impact the one day they have a choice over.

Commissioner Runte noted that according to Town Clerk Torres, Melbourne Beach will be the only Town not to observe it and that isn't good. He suggested they not trade it, cut the day in half or try to alter anything else. Instead just keep it simple and give MLK Jr. Day off. He added that nearly 50-percent of other municipalities have 12 days off.

**Commissioner Runte moved to approve Martin Luther King Jr. Day as an official holiday for Town of Melbourne Beach; Vice Mayor Barton seconded;**

## **Public comments**

***Adam Meyer***

***215 surf***

Mr. Meyer said holidays do cost money.

### **Motion carried 5-0.**

#### **B. Consideration of paid parking hours at Ocean and Ryckman Parks – Town Manager Mascaro**

Mayor Hoover said they need to decide; 1.) What we are charging for parking and 2.) What hours we are going to charge at Ocean Park, the Crossovers, and Ryckman Park.

Commissioner Quarrie felt they should charge \$2 an hour, 24-hours-a-day. The money will go to the parks so it's all for a great cause.

The Town Manager said the current parking hours are 5 a.m. to 9 p.m. and people may not park at Ocean Avenue or the crossovers outside those times so charging around the clock is not an option. She went on to say that the Commission directed her to charge the same rate as Indialantic – which is \$2.50 per hour.

Commissioner Runte asked how parking is enforced and Town Manager Mascaro said offenders are ticketed. Tickets are \$50.

Vice Mayor Barton said most of the towns she has looked at have kiosk-metered parking. They have hours and it's more of a business district town, for example, 8 a.m. – to 6 p.m. in Cocoa Beach, and then it's free outside of those hours. She thought it may be nice to allow some people free time to walk beach in the mornings by offering free parking then.

Commissioner Walters suggested paid parking at Ocean Park and the Crossovers from 5 a.m. to 9 p.m.

Commissioner Runte disagreed with the beach closing at 9 p.m. and said if they don't allow early morning parking, they need to allow visitor passes and he intends to push for that.

Further discussion ensued and the Commission reached a consensus that the parking rate should be \$2.50 per hour. The hours of parking at the beach are 5 a.m. to 9 p.m. and discussion took place related to the fact that it would be a nice gesture to allow free parking from in the mornings.

**Vice Mayor Barton moved to charge at kiosk parking beginning at 8 a.m. at \$2.50 per hour and closing at 9 p.m. at the crossovers and Ocean park and closing at 11 p.m. at Ryckman Park; Commissioner Runte seconded;**



## **Public Comments**

***Jim Simmons***  
***409 Avenue B***

Mr. Simmons is in favor of passes on a limited basis and regarding matching the Indialantic rate, he thought they went to all passes.

Commissioner Runte responded by saying – no, they got rid of cash meters and went to all kiosk parking.

## **Motion carried 5-0.**

### **C. Consideration and Review of comparison of Building Department's workload, staffing and costs between local municipalities – Finance Director Kerr.**

Finance Director Kerr shared the building survey with information on the building departments from nearby municipalities.

Commissioner Runte said it was good information and our department appears to be comparable. However, he also noted that the process of getting a permit approved takes an inordinate amount of time. It is also strict with many permits failing to meet requirements, and scheduling an inspection takes time. He also noted that staff is not available five days a week.

Commissioner Quarrie noted that she thought the department was supposed to pay for itself but it is \$28,000 short.

Town Manager Mascaro said she has considered increasing the number of days worked by the Building Administrative Assistant and the Building Official.

## **Public Comments**

***Jim Simmons***  
***409 Avenue B***

Mr. Simmons said people fail because the rates are too high and we have more complex builds than we had before. He said the Building Department is always supposed to be close to budget but never exceed it.

Commissioner Runte suggested the Town track the average amount of time it takes for someone to get an approved permit – and the average amount of time it takes to get an inspection scheduled after a request.



The Commission directed the Town Manager to have the Building Department track this process beginning the next day through May and then bring the results back to the Commission at the May RTCM.

**11. New Business**

**A. Consideration of Resolution 2021-01**

Mayor Hoover explained that this Resolution is to show the Town's support in urging the State not to pass Senate Bill 62 unless it is modified to no longer remove Regional Planning Councils from the Florida Statutes.

**Vice Mayor Barton moved to approve Resolution 2021-01; Commissioner Runte seconded; Motion carried 5-0.**

Mayor Hoover asked the Town Clerk if she could bring Resolutions related to opposition of State legislation regarding Vacation Rental Homes and Home-Based Businesses to the next RTCM. She agreed.

**C. Consideration of changing time of meeting to 5:30 p.m. for all Regular Town Commission Meetings and Workshops – Town Manager Mascaro**

Mayor Hoover said he is in favor of changing the meeting time to 6 p.m. The Commission agreed to request that the other Town Boards also change their start times to 6 p.m. to offer continuity for residents.

**Commissioner Runte moved to change all Town Commission Workshops and Regular Town Commission Meetings to 6 p.m.; Commissioner Quarrie seconded; Motion carried 5-0.**

**C. Review and consideration of proposal to clean HVAC system at Town Hall – Public Works Director Davis**

Public Works Director Davis presented an invoice for duct-cleaning work at Town Hall. However, after testing the air quality, no issues were found.

The Commission decided to table the issue.

**12. Staff Reports (2:55:30)**

- A. Town Attorney Report - None
- B. Town Manager Report

Mayor Hoover asked the Town Manager to email the Commission Members with the Orange Street plans from BSE.

Town Manager Mascaro said she would and added that the pre-bid meeting took place with two companies in attendance. Bids open March 3, 2021 and must be in by 3:30 p.m. and opened by 4 p.m. Following that, recommendations will be presented to the Commission.

In regard to allowing local businesses the option of outdoor seating, Town Manager Mascaro said she spoke to the Town Planner and the Town can allow outdoor seating on a *limited basis* for a specified time (like six or twelve months,) by granting a temporary special permit to aid in mitigating the impacts of Coronavirus on local businesses.

Town Manager Mascaro spoke to Nally, the owner of the 300 Ocean Avenue building, who liked the idea but said the parking spaces directly in front of the individual business are not dedicated to that businesses – it is free parking anywhere for all - so other businesses who do not sell food and/or drink could object to that. Nally said she would speak to the individual business owners to gauge how they felt.

Town Manager Mascaro said she also spoke to Charlie and Ron at the Melbourne Beach Market and they want to do it for the restaurant on the side, not in front.

Town Manager Mascaro said she spoke to Chief Brown and Chief Griswold who confirmed there would be enough room for emergency vehicles to pass through – and a protective barrier would need to be in place that surrounds the outdoor area to protect patrons from vehicles.

Town Manager Mascaro also clarified that the business can't change the structure of what it is. Only businesses currently licensed to sell food and/or alcohol may do so.

She said the Commission will need to decide if they want to create a Resolution to allow this special use permit and determine the length of time this will be allowed.

In regard to parking spaces, Mayor Hoover suggested that angling the parking spots and making it one-way would create more space for the businesses to have outdoor seating.

The Town Manager said that would require a code change.

Mayor Hoover said he would be happy to do that.

Town Manager Mascaro said the process requires a vote and approval as well as public hearings and an ordinance.

Mayor Hoover said he felt it was important to figure out what the whole plan is going to look like.

Mayor Hoover said he would like to move forward with this and allow them to do this until the end of the year. He suggested they add two Action Items 1.) Parking and 2.) Outdoor seating to the action item that already exists related to Ocean Avenue Beautification.



Commissioner Runte advised against involving FDOT unless they had to.

Town Attorney Repperger said the Commission has to consider special exceptions that have already been made. He added that the dimensions of parking spots are defined in the code.

Commissioner Runte said we can change and waive parking requirements, adding that municipalities, like the City of Melbourne, do it often.

Mayor Hoover added an **Action item** – to start looking at the parking situation and understanding the relationships and formulas between parking and restaurants, and square footage and parking, in addition to considering code changes (78-50).

He also created a second **Action Item** - Expanding outdoor seating with code changes.

Town Manager Mascaro said she will bring the Commission a **Resolution** for their approval, adding that the Town's ability to allow the outdoor seating is only in response to COVID and it's a limited time special exception to assist local businesses.

Mayor Hoover clarified that businesses should not be allowed to put just anything in the outdoor space, like a rack of clothes – instead they must create a semi-permanent space.

Moving on, Town Manager Mascaro asked the Commission whether they wanted to cancel Founder's Day or go ahead with the event.

The Commission agreed to move forward with a scaled-down Founder's Day event to take place on the first Saturday in May 2021.

Town Manager Mascaro said the Fire department will be taking over the beer tent because the Rotary Club is struggling right now and not functioning at full capacity. She also asked the Commission to consider the Pineapple Man Triathlon and whether they wanted to keep the Rotary involved.

Town Manager Mascaro presented artwork from schoolchildren for consideration of a mural on the Town bathrooms. Mayor Hoover said he felt we need to employ a proper artist to do the work and the majority of the other Commission members agreed.

She went on to update the Commission on the planned COVID vaccinations in unison with other nearby municipalities. They are signing people up for a waiting list but encouraging people to take the vaccination if offered first elsewhere.

Regarding the pickle ball court – she needs to discuss it further with the Public Works Director before she can offer a true assessment of what they can offer.

Mayor Hoover agreed she should continue to look into it.



### C. Town Clerk Report

Town Clerk Torres updated the Commission on the audio system and the cost estimate received from the current audio company. The Commission instructed her to get two more quotes and return with the item in April.

### D. Departmental Reports

1. Building Department
2. Public Works Department
3. Code Enforcement
4. Police Department
5. Fire Department

Fire Chief Brown asked about parking passes for his volunteer fire fighters making them exempt during times of emergency. Mayor Hoover said Chief Brown should make the Police Chief aware of any situation like this when it occurs so they do not get ticketed.

### 6. Finance Department

**Commissioner Runte moved to approve the January 2021 Finance Report; Commissioner Quarrie seconded; Motion carried 4-0 with Commissioner Walters in dissent.**

## 13. Town Commission Comments

### A. General Comments

Mayor Hoover said he wanted to add an **Action Item** related to updating/refreshing the faded crosswalks at Pine and Ocean, the traffic light, and other areas in the Ocean Avenue area. Public Works Director Davis said he may need approval from FDOT.

Mayor Hoover said we can talk to FDOT about the five areas in their jurisdiction and take care of the areas in our Town near Pine and Ocean. The Commission directed that this item is updated at the March RTCM.

Commissioner Runte thanked the Town, especially Chief Griswold, Chief Brown and the Town Manager for attending his father's funeral.

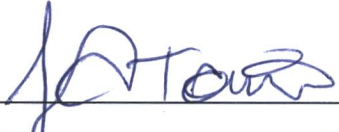
### B. Review of Commission Action List

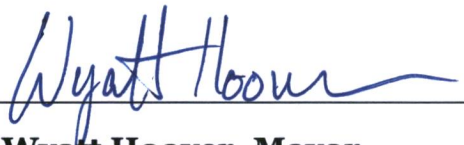
## 14. Adjournment

**Commissioner Runte moved to adjourn the meeting; Vice Mayor Barton seconded; Motion carried 5-0.**

Meeting adjourned at 9:46 p.m.

**ATTEST:**

  
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**Jennifer Torres, Town Clerk**

  
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**Wyatt Hoover, Mayor**