

# **Town of Melbourne Beach**

**REGULAR TOWN COMMISSION MEETING  
WEDNESDAY FEBRUARY 19, 2020 at 6:30 p.m.  
COMMUNITY CENTER – 509 OCEAN AVENUE**

## **MINUTES**

### **PUBLIC NOTICE**

**The Town Commission conducted a Regular Town Commission Meeting  
on Wednesday February 19, 2020 in the Community Center  
to address the items below.**

#### **Commission Members:**

Mayor Jim Simmons  
Vice Mayor Wyatt Hoover  
Commissioner Steve Walters  
Commissioner Sherrie Quarrie  
Commissioner Corey Runte

#### **Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Nancy Wilson  
Town Attorney Clifford Repperger

**I. Call to Order – Led by Mayor Simmons**

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

**II. Roll Call**

Town Clerk Wilson conducted the roll call.

Commissioners Present:

Mayor Jim Simmons

Vice Mayor Wyatt Hoover

Commissioner Steve Walters

Commissioner Corey Runte

Commissioners Absent:

Commissioner Sherrie Quarrie

Staff Present:

Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Public Works Supervisor Tom Davis

Town Attorney Clifford Repperger

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

Led by Mayor Simmons

**IV. Presentations**

**V. Boards and Committees**

**VI. Public Comments**

*Frank Thomas*

*606 Atlantic*

Mr. Thomas talked about the 100<sup>th</sup> anniversary of the Community Center building. He then read an excerpt from the 10/14/1969 minutes 50 years ago we got the state lease for Ocean Park from the Sullivan family. The state paid \$35,000 and Melbourne Beach paid \$10,000 for a 99 year lease.

*Melissa Goldman*

*Space Coast Association of Realtors*

Ms. Goldman represents the Space Coast Association of Realtors and was in attendance because of the short term rental ordinance. She wants to make sure it's fair and that it doesn't violate private property rights.

## **VII. Approval of the Agenda**

**Vice Mayor Hoover made a motion to approve the agenda as presented; Commissioner Runte seconded. Motion carried 4-0.**

## **VIII. Consent Agenda**

- A. Appointment of Leslie Maloney as member of the Environmental Advisory Board for a two year term
- B. Appointment of Alison Dennington as an alternate member of the Environmental Advisory Board for a two year term

**Commissioner Runte made a motion to approve the appointment of Leslie Maloney as a regular member of EAB and the appointment of Alison Dennington as an alternate member of EAB; Vice Mayor Hoover seconded. Motion carried 4-0.**

## **IX. Public Hearings**

Second reading of Ordinance 2020-01 regarding fund transfer and budget amendment approvals – Town Attorney Repperger

Town Attorney Repperger read Ordinance 2020-01 by title:

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 15-6 TOWN CODE OF MELBOURNE BEACH, BUDGET AMENDMENTS AUTHORIZED, CLARIFYING FUND TRANSFERS AND BUDGET AMENDMENTS REQUIRING TOWN COMMISSION APPROVAL VIA RESOLUTION; DELETING SECTION 15-7 TOWN CODE OF MELBOURNE BEACH, TRANSFERS OF APPROPRIATIONS; PROVIDING A SERVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

**Vice Mayor Hoover made a motion to adopt Ordinance 2020-01 on the second and final reading, Commissioner Runte seconded. Motion carried 3-1 with Commissioner Walters dissenting.**



## **X. Old Business**

Discussion regarding terms and status of regulation of vacation rentals– Town Attorney Repperger

Town Attorney Repperger said the draft ordinance will be available next week and will be part of the agenda for the March 4<sup>th</sup> Workshop. The draft ordinance is modeled after Indian Harbour Beach's and Cape Canaveral's ordinances related to the registration requirements: maximum occupancy, building codes, Town codes and standards related to having a responsible party available for complaints. He said if there is a particular item of concern that anybody wants to make sure is addressed in the draft, to let him know. Mayor Simmons said there are other items that they've talked about such as exit signs, land lines for calling 911, carbon monoxide/smoke detectors, fire extinguishers, maximum number of cars, etc. Addressing the realtors from the Space Coast Board of Realtors, the Mayor added that more and more houses are being turned into hotels whose overnight residents and owners have no concern for neighbors. He then gave a couple examples of large parties of people renting short-term rentals and how disruptive they can be. The Town can't regulate duration but they can regulate safety items. The state is attempting to take that away by adding (only) six inspectors to the payroll to monitor all vacation rentals in the entire state. The process is: once the draft ordinance is approved at the upcoming Workshop, it will be formally presented as an ordinance at the March 18 RTCM meeting that will be read and if approved, will go before the Commission for a second reading on April 15<sup>th</sup>. Thus, there will be three opportunities for those concerned to be heard.

*Melissa Goldman*

*Space Coast Association of Realtors*

Ms. Goldman said that they are not against ordinances but they want to make sure that an ordinance is fair and equitable and that the Town isn't trying to shut out the little guy. She said several members of the Board of Realtors just returned from Tallahassee to listen to the whole bill. The bill has gone through most of the committees already; they heard the pluses and minuses and it is still being tweaked. They have some of the answers but not all of them; their goal is to be fair to the property owners and to not have this to a zoning ordinance problem.

The Mayor said that most short-term rentals have an owner on site who is responsible for the property. However, there is a minority of people who cause problems so laws have to be written for the worst actors. Ms. Goldman asked about registration to which the Town Attorney said the registration is filed by an owner or

manager. Commissioner Runte asked about economic impact of having or not having vacation rentals.

*Pat Weeks*

*Space Coast Association of Realtors*

Ms. Weeks said that Florida Realtors commissioned UCF to perform a study of the economic impact of short term rentals. 80% of the short term rentals covering 20 counties (including Brevard) have a \$29.4 billion impact; in Brevard County, the impact is \$116 million. If short term rentals are going to be regulated, everybody needs to be treated equally.

*Kimberly Cowles*

*214 Surf*

Ms. Cowles asked to whom a complaint should be made if a Melbourne Beach resident has a problem with occupants of a short term rental. The answer was the Police Department. The Town Attorney said that if the property is registered there's somebody who is supposed to be immediately available to respond. The Mayor said if there is a problem with maintenance, a resident should call Town Hall or put a comment on the site where they have the property listed for rent. Ms. Cowles recounted a story about somebody who was staying at a short term rental on her street who took her son's skateboard.

Attorney Repperger said there is traction that's been seen from both the House and Senate bills. The Senate bill is in the Rules Committee and looks like it's going to the full floor.

Draft verbiage for the ordinance will be discussed at the March 4<sup>th</sup> Workshop.

## **XI. New Business**

- A. Consideration of the January 15, 2020 Regular Town Commission Meeting draft minutes – Town Clerk Wilson
- B. Consideration of the February 5, 2020 Town Commission Workshop draft minutes – Town Clerk Wilson

**Vice Mayor Hoover made a motion to approve the January 15, 2020 Regular Town Commission draft minutes as presented and the February 5, 2020 Workshop draft minutes as presented; Commissioner Runte seconded. Motion carried 3-1, Commissioner Walters dissented.**



C. Discussion regarding overlapping the roles of the Parks and EAB Boards – Commissioner Quarrie

Town Manager Mascaro said that Commissioner Quarrie thought, after talking to Chairman Byrd of EAB, that it would be a good idea for the EAB and Parks Boards to collaborate, especially when special events are taking place. She said that members of the Parks Board may want to attend an EAB meeting to see what EAB is doing and how they could work together.

Mayor Simmons asked how this would be institutionalized. The Town Manager said EAB could be added to all special event permit requests for them to approve. Vice Mayor Hoover said it wouldn't be appropriate to require them to attend each other's meetings but the Town can facilitate the sharing of information if there is a master calendar for each Board that could be public and easily shared. Also, it would be useful if the Chairman of each Board is given a Town email address, i.e., [EAB@melbournebeachfl.org](mailto:EAB@melbournebeachfl.org) and [Parks@melbournebeachfl.org](mailto:Parks@melbournebeachfl.org). Commissioner Runte said he likes having EAB weigh in on the special permit application.

*Christina Keshishian – member EAB*

*313 Hibiscus*

Ms. Keshishian said EAB was seeing event plans that they thought should be in line with the sustainability plan so having EAB act in an advisory capacity and having Board email addresses is a great idea.

**The Commission consented to having a master calendar on which the Boards can share information, Town email addresses for the Chairman of each Board and adding EAB to the special event permit approval process. 4-0.**

D. Discussion regarding EAB pamphlet “Welcome Wagon” – Town Manager Mascaro (00:38:22)

Town Manager Mascaro was contacted by Taylor Green who is the intern for EAB. She presented Ms. Mascaro with the “Welcome Wagon” pamphlet that EAB approved and that now needs to be approved by the Commission. It will be a component of what the Town is going to hand out as a welcome packet.

Mayor Simmons asked how the welcome packet is going to be distributed to new residents. Is the intent to give it to the Welcome Wagon organization for distribution? Vice Mayor Hoover said he thought the original intent was for the Town to create its own welcome package that the EAB pamphlet would be part of and that the Town would distribute. The Town Manager added that it could

also be given to realtors to distribute. The Mayor made a couple comments; on the first page where it reads, “DID YOU KNOW – Our coast is the #1 nesting site for Loggerhead Turtles...” After “nesting site”, “in the western hemisphere” should be added. Also, he suggested adding contact information under the “Around Town” heading. He’d add contact info to “around Town”. On that same page, in the middle column under “Mind Your Waste!” there should be a link to Waste Pro since they are very specific about what can and can’t be collected. In conclusion, the Mayor brought up sprinkler use and how they should only be used when necessary and not set to automatic; a moisture detector can be used to determine when watering is necessary.

*Christina Keshishian*

*313 Hibiscus*

Ms. Keshishian suggested distributing welcome packages to renters also. Mayor Simmons said they can work with Town Hall to accomplish that.

**Commissioner Runte made a motion to approve the EAB “Welcome Wagon” pamphlet as presented by EAB incorporating the minor adjustments made by Mayor Simmons; Vice Mayor Hoover seconded. Motion carried 4-0.**

## **XII. Staff Reports**

### **A. Town Attorney Repperger**

Commissioner Walters asked the Town Attorney about charges on his bill for 315 Atlantic Street. The Town Attorney responded that this was for a variance application submitted by Serene Blue which has since been withdrawn by the owner. They needed to meet setbacks or contract the pool since it straddled the property line; they applied for the variance in order to move the property line but ultimately decided to contract the pool.

### **B. Town Manager Mascaro**

The Town Manager reported that the Sack property was sold and his attorney was sent the outstanding lien amount which is \$77,500. They will bring us a counter offer at which time it will be brought to the Commission. Beach parking surveys are being wrapped up and they will be presented at the March RTCM. There was a meeting with the Southern Squall organizers and it seems to be moving forward. She met with Mike Casey from Indialantic and he said they want to increase the fire dispatch agreement amount for FY21 by a little less than 3%. One last thing, Ms. Mascaro has been looking at grant opportunities for solar, mangroves, sustainability projects and the Ocean Park project.

Mayor Simmons said on the Town Manager’s report it said that the Parks Board objected to the Town charging Rotary an application fee for Founder’s Day.



**The Commission consented to waiving the \$550 application fee for Rotary. 4-0.**

The Mayor also wanted to highlight item 13 on the Town Manager's report regarding the need to hire a Special Magistrate for the Code Enforcement Board. After getting input from the last meeting, the Mayor feels we need to expedite the process of changing the Code to allow for a Special Magistrate. Town Attorney Repperger said the ordinance will be ready for the first reading at the March 18<sup>th</sup> RTCM.

C. Town Clerk Wilson

Town Clerk Wilson said the Granicus software has not been fully installed and staff has not received training yet. Once in place, the software will allow for more information to be posted along with the agenda but it will not solve the ongoing ADA issues.

D. Departmental Reports:

1. Building Department – Commissioner Runte said that when a pool is emptied, it takes several days to drain and during that time, the water goes into the river and stains the gutters. He asked if there's a way on the permit to charge a restoration fee? Commissioner Walters said the owner can purchase a 50 foot vinyl pipe, hook it up to a pump and drain the water on his own lot. Percolation is good in this area so it drains fine.

**The Commission consented to adding an action item for this issue.**

2. Public Works Department – Public Works Supervisor Davis wants the Commission to see the paint job on the picnic benches at Ocean Park. The Mayor said he liked it. Mr. Davis said they are doing work at the intersection of Ocean and Oak by the Exxon Station and the bank. He met with Crystal and they are going to put a rain garden on the south side by the bank. On the north side of Ocean, they are going clean out the area and maybe relocate some of the Coontie Palms. They are also working to deal with the invasive Vitex shrub. Also, he talked to Scott Parker and they are going to experiment with laying compost in a 30x30 foot area in Ryckman Park. They'll see how it does before doing the rest of the park. There was some discussion about the proper sand to use for volleyball courts and Commissioner Runte asked that the dinghy be removed that's sitting alongside the pier. Commissioner Walters asked that FDOT be notified because they need to address the streetlight at Ocean Avenue, it's in serious need of attention; it probably needs to be sandblasted and repainted. He had a few other comments:



- the oak trees that were planted on Oak recently need to be staked – they are leaning
- the tailgate on the older truck is missing and it could be hazardous if anything flies out of it
- the fan wobbles in the Community Center

Vice Mayor Hoover asked the Public Works Supervisor to let him know when the compost is being spread in Ryckman Park.

3. Code Enforcement – no questions or comments
4. Police Department – no questions or comments
5. Fire Department – no questions or comments
6. Finance Department

**Vice Mayor Hoover made a motion to approve the finance report; Commission Runte seconded. Motion carried 3-1, Commissioner Walters dissented.**

### **XIII. Town Commission Comments (01:08:37)**

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

Commissioner Walters said that the Town Manager's report said: *There was a very large turnout at the Planning & Zoning meeting where Ordinance 7A-67 was discussed regarding trailers, boats and RV's. Many of the residents in attendance voiced their support for a change in the ordinance by increasing boat and RV length with only one person speaking out against it. There was additional conversation about allowing corner lots to have the same guidelines as interior lots. The Board has asked me to research what other Towns are allowing and bring the item back to their March meeting for discussion.* A resident contacted Commissioner Walters complaining that on January 15<sup>th</sup>, the Town Commission had a meeting where the Town Manager said she came up with changing the Code on her own. Then on January 17<sup>th</sup>, the Code Enforcement Officer was instructed to cite everybody who had an oversized RV or boat. On January 23<sup>rd</sup>, those same people were given a notice to attend the Planning & Zoning meeting on February 4<sup>th</sup> without surrounding neighbors getting any notice of the meeting whatsoever. Mr. Schultz didn't think it was fair to only invite people to the meeting who received the notice; all the neighbors should also have received notice of the meeting; the meeting was stacked. Mayor Simmons said at the January RTCM, the Commission directed the Code Enforcement Officer to cite those people with large RV's and boats then added that the Planning & Zoning Board is just an advisory board.

Mayor Simmons received a request from Mark Shantzis who is a resident of the South Beaches. He told the Mayor that there are no regulations on properties under one acre that restrict clear cutting of Oaks and other heritage and specimen trees. At Brevard County's March 5<sup>th</sup> meeting, Commissioners will be voting on "Legislative Intent" to amend the specimen tree ordinance. Mr. Shantzis is asking for municipalities to write a letter of support to Brevard County to restrict clear cutting.

**There was Commission consensus to have Town Manager Mascaro write a letter of support. 4-0.**

B. Review of Commission Action List

The Commission closed the following action item:  
Sediment Control

The Commission opened the following action items:

- Pool water discharge – how best to handle it so curbs don't become discolored and water doesn't run into the IRL
- FDOT traffic light stanchion maintenance – entire traffic light structure on Ocean Avenue needs to be "revitalized" by DOT

**XIV. Adjournment**

**Vice Mayor Hoover made a motion to adjourn; Commissioner Runte seconded. Motion carried 4-0.**

The meeting adjourned at 8:08 p.m.

**ATTEST:**

  
\_\_\_\_\_  
**James D. Simmons, Mayor**

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