

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

WEDNESDAY, JULY 21, 2021, 6:00 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
Public Works Director Tom Davis
Fire Chief Gavin Brown

1. Call to Order

Mayor Hoover called the meeting to order at 6:00 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
Public Works Director Tom Davis
Fire Chief Gavin Brown
Building Assistant Beth Crowell

3. Pledge of Allegiance and Moment of Silence

Led by Mayor Hoover

4. Presentations

5. Public Comments

Jim Simmons
409 Avenue B

Mr. Simmons said he feels beach passes should be issued on an annual basis instead of the original length of five years. He would also like to see limited parking passes for those from out of town.

Dan Brunger
6th Avenue

Mr. Brunger would like to know if the Fire Department would receive any training for electric car battery fires.

6. Approval of the Agenda

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

7. Consent Agenda

- A. Approval of the June 16, 2021 STCM Draft Minutes – Town Clerk Torres
- B. Approval of the June 16, 2021 RTCM Draft Minutes – Town Clerk Torres
- C. Reappointment of Curtis Byrd to the Environmental Advisory Board for a Term of Two (2) Years
- D. Reappointment of Crystal Cain to the History Center Board for a Term of Two (2) Years
- E. Reappointment of Kurt Belsten to the Planning & Zoning Board for a Term of Three (3) Years

Commissioner Walters moved to approve the consent agenda; Commissioner Quarrie seconded; Motion carried 5-0.

8. Public Hearings

- A. Consideration of Ordinance 2021-03 Related to Removing any Potential Prohibition or Limit of the Sale, Purchase, Transfer, Distribution, Display, Possession, or Exchange of any Weapon During a Civil Emergency – Town Attorney Repperger

Town Attorney Repperger read Draft Ordinance 2021-03:

He offered a brief explanation for the Ordinance which is related to a state preemption that requires this change to the code so that the Town will not be in violation.

Public Comments

Jim Simmons
409 Avenue B

This recent state legislative action necessitates that the Town remove this code and it is something the Town has to do.

Dan Brunger
406 6th Avenue

The Governor approved it for a reason and that reason is so that the residents can protect themselves. Being armed is a right not a privilege.

Commissioner Walters moved to approve Ordinance 2021-03; Vice Mayor Barton seconded; Motion carried 5-0.

9. Old Business

10. New Business

A. Consideration of Designation of the Maximum Millage of \$9.1094%.

Town Manager Mascaro said the Commission needs to set the maximum millage because once that is set you can never go higher – but you can go lower – therefore we always set it at the highest rate. Once voted on – it will be sent to the county in order to prepare the tax bills.

Commissioner Walters said he is in favor of \$9.11 to even it out.

Jim Simmons
409 Avenue B

In the past we have always set it at the maximum rate and that is the best practice to be safe. He suggested 10-percent.

Commissioner Runte said he agrees with Mr. Simmons and given that hurricane season is close, it's best to be safe.

All agreed.

Commissioner Runte moved to designate the maximum millage to be set at 10-percent; Commissioner Walters seconded; Motion carried 5-0.

B. Consideration of Requiring Commission Approval Prior to Ordinances Being Drafted by the Town Attorney – Commissioner Walters

Commissioner Walters explained that he brought forth this item in order to control attorney expenses and to ensure that the Commission is able to approve an Ordinance before it is moved forward and before extensive expense is incurred. Residents have a right to ask for zoning changes but they must be held accountable for all the charges.

Mayor Hoover said \$18,000 of the attorney costs are the labor attorney. He also agrees with Commissioner Walters point and asked the Town Attorney how they can navigate this.

Town Attorney Repperger explained the process including the fees and deposits charged. Text changes could be brought before the Commission but zoning applications are quasi-judicial and the Commission does not have the right to prevent an applicant from pursuing it. The \$1,000 is supposed to cover costs and in addition the applicant is charged with advertising costs. Before coming before the Commission, Staff will review the application to determine if it is sufficient to move forward.

Commissioner Walters said there is nothing he can find in the code that requires the Town must create an ordinance for an applicant. Instead, he feels the applicant must find their own attorney and pay for it themselves.

Vice Mayor Barton suggested the Town charge a larger retainer to do the work.

Town Attorney Repperger said the Town could choose to change the fee schedule to charge a larger amount of money for this.

Mayor Hoover asked how long the fee for a rezoning application has been \$1,000.

Town Manager Mascaro said it has been quite some time.

Commissioner Quarrie said the problem with having an outside attorney create an ordinance is that it can make the issues very confusing.

Commissioner Runte said in his experience, the in-house attorney always creates the ordinances for the municipality.

Mayor Hoover said it sounds as though the consensus is to increase the fee.

Public Comments

Jim Simmons
409 Avenue B

Mr. Simmons said he wasn't sure if \$5,000 would be enough. He suggested \$10,000.

Town Attorney Repperger said if the \$5,000 is exhausted, the deposit must be replenished.

Commissioner Walters pointed out that Indialantic's attorney fees of \$6,800 includes the other attorney fees as well.

Commissioner Runte moved to approve the requirement of a \$5,000 deposit included with the application for any zoning request and for Town Staff to create a resolution to bring before the Commission and to mirror the LDC changes; Commissioner Quarrie seconded; Motion carried 5-0.

- C. Consideration Limiting the Paperwork from Planning & Zoning and the Board of Adjustment in the RTCM Agenda Packet in Order to Reduce Paper Use and Support Sustainability efforts in Town – Town Clerk Torres

Town Clerk Torres explained that there are often hundreds of extra pages included in the RTCM Agenda packet from Planning & Zoning Site Plan Approvals – and suggested that in order to save paper – not all of these documents need to be part of the physical packet. Instead, the complete site plan can be included in the digital copy. Town Manager Mascaro said some papers must be included in order for the Commission to approve the plans.

Jim Simmons
409 Avenue B

The official version should include the official building inspectors report, the site plan, and the map. Some other more detailed information need not be included.

Vice Mayor Barton moved to change the printed agenda packet to only include the summary and the site plan and keep the original version on file as official record; Commissioner Walters seconded; Motion carried 5-0.

- D. Consideration of Using the Tennis Courts for Pickle Ball – Public Works Director Davis

Public Works Director Davis said pickle ball is one of the most popular, growing sports around. Construction of an actual pickle ball court would be expensive and research indicated that it is a fairly common practice to use tennis courts for pickle ball.

The Town has received between 15-20 requests from the community for a pickle ball area. At a minimum he suggested they use the temporary tape, or the Town could create one court or two courts, and perhaps consider setting hours.

Mayor Hoover said he received a lot of emails we well – in favor of pickle ball. He likes the idea of using temporary tape and using one court and then see how it goes. If people like it, we can do more.

All agreed but Commissioner Walters was concerned with how people may react to this use and suggested that temporary tape was a good idea – but it should be done on both courts.

Commissioner Runte said he received 14 emails in support of the pickle ball.

Commissioner Quarrie said she thinks we first need to illustrate we have the right to make the decision to play pickle ball on the tennis courts. For example, a sign that is posted on site with the rules listed or a code of conduct.

Town Manager Mascaro said we can also post a notice and share it on social media.

Public Comments

Jim Simmons
409 Avenue B

Mr. Simmons suggested the Town set hours for pickle ball. He also reminded the Commission that the local tennis association has paid several times for those courts to be redone as well as lights and other repairs and he would not dismiss their contribution to the courts.

Town Manager Mascaro said the Town can monitor the time and use of the courts.

Mayor Hoover said he is inclined to take an incremental approach and take things gradually to see how people react and then go from there. He suggested designating one court for pickle ball for the time being and not setting hours. In addition, no one else should be marking up the courts.

Maria Walker
511 Riverside Drive

Ms. Walker asked if pickle ball hours will be limited.

Commissioner Runte moved to designate one tennis court as a dual use – tennis and pickle ball court and to post a rules sign; Vice Mayor Barton seconded; Motion carried 5-0.

E. Consideration of Erecting a Bulletin Board in Ocean Park- Public Works
Director Davis

Public Works Director said there are several, artistic and education posters he would like to post related to environmental issues, wrack line, Sargassum, and special events - and so - he would like a bulletin board.

Mayor Hoover asked about color scheme. Public Works Director Davis said it would be tan (brown) or green. It could be located along the sidewalk on the north side by the trash cans. The cost is \$4,050. Public Works will install it.

The Commission liked the idea of beige.

Commissioner Quarrie asked where the money is coming from. Town Manager Mascaro said they have money in the budget now to pay for it - it will come from parking fees being collected.

Commissioner Runte moved to approve the beige three-sided bulletin board kiosk at Ocean Park at a cost not to exceed \$4,500; Vice Mayor Barton seconded; Motion carried 5-0.

F. Consideration of Budgeting Funds for Road Repairs at the Intersection of
Elm and Redwood - Public Works Director Davis

Public Works Director Davis said that since he took on his current position, he has received complaints from some residents related to standing water issues. To correct the problem, 60-70 feet of curbing would need to be removed and suggested that instead of curb replacement, they use swales.

Commissioner Runte asked where this is in our projections for road repairs because he would want to have that information before proceeding. This area is not critical at the moment. He suggested perhaps just getting rid of the pipe in question.

Mayor Hoover asked the Public Works Director to bring the paving plan to the August RTCM and to create a new action item for Redwood Road repair.

Some discussion about the status of Cherry ensued. PWD Davis said Cherry is a concern of his.

Vice Mayor Barton feels they need to look into it a little more before they make any decisions.

G. Consideration of paving Riverside Drive – Public Works Director Davis

Public Works Director Davis explained the Commission may want to consider waiting until further information is received from Brevard County Utilities Services related to sewer lines underneath. After the man hole covers are lifted and investigated, they can determine if they are good to go – or in danger of failing.

Commissioner Runte asked if he has spoken to BSE. He had not.

Mayor Hoover asked Public Works Director Davis to report back.

12. Staff Reports

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

Town Manager Mascaro said that in relation to the parking permits, staff can handle an annual renewal or every two years.

Commissioner Runte said the Commission should stand by their decision to make the five-year pass valid.

Mayor Hoover thought a two-year-cycle would be better and added that the process may change with new software. He suggested the Town update them on this issue at a later date.

Commissioner Runte said he believes the Town should allow limited (100 at \$50 each) annual guest passes that would be a different design and color, with an effective date.

Mayor Hoover said he will make it an agenda item for next month (August RTCM). He did not think there should be any pro-rating.

He also mentioned that in regard to the community run – he would like to see a family friendly event that could include a pet run.

Town Manager Mascaro said she heard from race organizer Mitch Varnes earlier that day and got a few further details. Mayor Hoover asked the Town Manager to think of gifts that participants could donate. She will bring the prospective races as an agenda item next month.

C. Town Clerk Report

Town Clerk gave an update on the vacation rentals.

D. Departmental Reports

1. Building Department
2. Public Works Department

Public Works Director Davis gave an update on the new sand at the volleyball courts and said they retained the old sand in the storage area for sand bags and recycled the rest throughout the crossovers.

3. Code Enforcement
4. Police Department

Commissioner Quarrie wanted to give kudos to the police department for handling the recent issues on social media. Mayor Hoover agreed and said their summer series on Facebook has been great.

5. Fire Department

Chief Brown brought along the recently acquired Jaws of Life to show the Commission. He then said his department is trained to handle electric car fires.

6. Finance Department

Town Manager Mascaro said the Town received reimbursement for some hurricane costs.

Commissioner Runte moved to approve the June Finance Report as presented; Commissioner Quarrie seconded; Motion carried 5-0.

13. Town Commission Comments

A. General Comments

B. Review of Commission Action List

Updates

- **FDOT Traffic Stanchions** – Update next month at August RTCM
- **Research Charging Stations** – Update next month at August RTCM
- **Ocean Avenue Beautification** – Check in with Susan (include VM Barton) and update at August RTCM
- **Bike Trail Options** – PWD suggested they do Palm and Hibiscus as well. Mayor said striping may help on shortcut roads – such as 1st. Update at August RTCM.
- **Stop Sign Placement** – Town Manager Mascaro said she spoke with Chief and they are good to go forward. Commissioner Runte said that Magnolia and Palm should be included

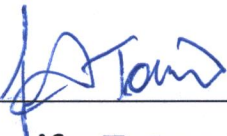
Commissioner Quarrie announced she would be running for re-election.

14. Adjournment

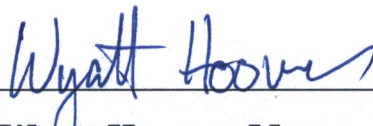
**Commissioner Runte moved to adjourn; Vice Mayor Barton seconded;
Motion carried 5-0.**

Meeting adjourned at 8: 29 p.m.

ATTEST:



Jennifer Torres, Town Clerk



Wyatt Hoover, Mayor