

Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING
AUGUST 18, 2021 at 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 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

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
Finance Manager Jennifer Kerr
Building Department Assistant Beth Crowell
Fire Chief Gavin Brown

3. Pledge of Allegiance and Moment of Silence

Led by Mayor Hoover

4. Presentations

A. Announcement of Citizen of the Year –

Mayor Hoover read a Proclamation for 2021 Town of Melbourne Beach Citizens of the Year and the award was presented to the Marzano family; Linda, Pete, Luke and Jessica

B. Fire Department Promotional Ceremony

Chief Brown conducted a swearing in of new Fire Fighters in a promotional ceremony. Those receiving promotion included; Katie Cox, Charles Kantlehner, James Heck and Andrea Lopez.

Mayor Hoover announced a ten minute recess to celebrate at 6:10 p.m.

Mayor Hoover called the meeting back to order at 6:26 p.m.

Tow Clerk Torres took 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
 Finance Manager Jennifer Kerr
 Building Department Assistant Beth Crowell
 Public Works Director Tom Davis
 Fire Chief Gavin Brown

5. Boards and Committees**6. Public Comments**

*Doug Hilmes
 443 Riverview Lane*

Mr. Hilmes wanted to acknowledge what a great job Tom Davis and the entire Public Works Department is doing. He asked the Commission to consider an ordinance about e-bikes because they may cause a safety issue.

7. Approval of the Agenda

Mayor Hoover said there were two add-ons to the agenda, including;

- Consideration of 7th Amendment to the Indialantic Interlocal Dispatch Agreement – Town Manager Mascaro
- Consideration of Resolution 2021-07 related to the “Vision Zero” program

He suggested moving the Consideration of Resolution 2021-07 to item (A) and the 7th Amendment to the Interlocal agreement to item (B) – followed by the remaining agenda items in the order they are written.

Commissioner Runte moved to move up the add-on agenda items to A and B under New Business; Commissioner Quarrie seconded; Motion carried 5-0.

Commissioner Walters moved to take New Business item C off the current agenda and move it to the September 1, 2021 Town Commission Workshop; Commissioner Quarrie seconded; Motion carried 5-0.

8. Consent Agenda

- A. Approval of the July 7, 2021 TCW Draft Minutes – Town Clerk Torres
- B. Approval of the July 21, 2021 RTCM Draft Minutes – Town Clerk Torres
- C. Site Plan Approval for 902 Oak Street

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

9. Public Hearings

- A. Second Reading 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

Commissioner Walters asked if there was some kind of estimate as to how many of these new ordinances the Town would have to go through due to the new state laws. Town Attorney Repperger said this Ordinance was needed now – the rest will be determined.

Public comments

None

Commissioner Runte moved to approve Ordinance 2021-03;
Commissioner Quarrie seconded; Motion carried 5-0.

10. Old Business

- A. Review Budget Changes – Town Manager Mascaro

Town Manager Mascaro gave an overview of a few proposed budget changes including adding a landscape/gardening budget and a professional gardener.

She proposed shifting some money from fire stipend into a professional services line item for Fiscal Year 22.

Mayor Hoover agreed with transitioning the funds.

Commissioner Walters advised that he is in support of someone caring for plants once they are planted and cautioned the Town not to follow through with caring for new plants and sustaining their growth.

Commissioner Runte said he felt landscaping and maintenance should go out for an RFP (Request for Proposal) to obtain bids for a landscaping contract.

Vice Mayor Barton said she was 100-percent in favor.

Commissioner Quarrie said she is in favor but added that she would like to see an entire section of the budget to be redone to include landscaping and look at how we can have different bids and companies and expand services. Perhaps even create a landscaping department under Public Works.

On another note, Town Manager Mascaro explained that initially when the budget was presented to the Commission, the mileage rate was based on the 2/3 vote from the State. After voting Mileage at 10 –percent she realized the mileage rate was higher than ten-percent.

The documentation we receive from the State has no cap and is based on the Town roll back rate and what the State allows us to use as a voting mechanism. Therefore she reduced the millage to the maximum cap of ten percent which drops the mileage rate down to 4.6865.

She went on to say that the overage was going to storm water – so she reduced that amount in the storm water fund.

No vote needed. Commission consent was granted.

B. Consideration of Town Parking Stickers for Non-Residents - Town Manager Mascaro –

After some discussion, the Commission decided to offer a total of 50 guest parking decals – good through the end of the year – December 31, 2021 – for a cost of \$50.00. In January, after reviewing the outcome, the Commission will decide whether to continue to offer passes – at a cost of \$100 per pass per year.

Public Comment

Jim Simmons
409 Avenue B

Mr. Simmons said that Indialantic offers passes for \$40 a year and \$30 after June 1. He felt it was better to have a low number of annual passes – maybe 50 – and he would not allow businesses to buy them.

Pete Peterson
6th Avenue

Mr. Peterson said the Commission should ensure that residents get parking and they need to limit the number of guest passes.

Dave Mika
4th Avenue

Mr. Mika noted that \$100 is 40 hours of parking and at that price, people will snap them up.

Some discussion about offering passes exclusively for Ryckman Park was discussed.

Commissioner Runte moved to allow the sale of 50 visitor passes at a cost of \$100 but prorated to \$50 each for the remainder of 2021 for all public parking areas within the Town; Commissioner Walters seconded; Motion carried 5-0.

11. New Business

A. Consideration of Resolution 2021-07 related to the “Vision Zero” program

Kim Smith, who represented the TPO and the Vision Zero program said they need every individual and every municipality to be on board. The basic tenant of the program is pedestrian safety and she asked the provisions be considered by the Town when planning traffic issues.

An advisory board will be assembled to manage the program.

Commissioner Runte moved to approve Resolution 2021-07 as presented; Commissioner Quarrie seconded; Motion carried 5-0.

B. Consideration of 7th Amendment to the Indialantic Interlocal Dispatch Agreement – Town Manager Mascaro

Commissioner Quarrie moved to accept the 7th amendment to the Interlocal Dispatch Agreement as presented; Commissioner Runte seconded; Motioned carried 5-0.

C. Confirm Qualified Candidates and Nominate to The Town Commission – Town Clerk Torres

Commissioner Walters stated that he was opposed to qualifying Marivi Walker as a candidate for Town Commission because the Election Code of the Town of Melbourne Beach states that all signatures must be acquired **after** the appointment of a campaign treasurer. He noted that all signature dates are prior to August 13, 2021 – and prior to appointing a campaign manager.

Some discussion between the Commission and the Town Attorney took place.

Commissioner Walters suggested the Commission could appoint her after the November election.

Public Comments

Jim Simmons
409 Avenue B

Mr. Simmons agreed with Commissioner Walters and added that it is important that Commissioners obey the codes of the Town.

Commissioner Runte said he was not suggesting they break any codes but the fact remains they have someone willing to serve who has the right intent and it would be in the best interest of residents to allow her to qualify. He asked the Town Attorney that if they decide this candidate qualifies are they violating any laws. To which the Town Attorney said the Commission has the right to make the determination.

He also said that if the Commission should fail to fill a seat, they have 30 days following Election Day to make an appointment or a special election must be called. They could appoint someone at the November 17, 2021 RTCM if they choose.

Commissioner Walters moved to not qualify Marivi Walker as a candidate for Town Commissioner; Vice Mayor Burton seconded; Motioned carried 4-1 with Commissioner Runte in dissent.

Commissioner Walters then raised an issue with the candidate packet for Sherri Quarrie, citing use of a nickname and omissions he cited from her Form 1.

Commissioner Walters moved to not qualify Sherri Quarrie as a candidate for Town Commissioner;

Motion died for lack of a second.

Commissioner Runte moved to approve the qualification of Sherrie Quarrie as a candidate for Town Commission; Vice Mayor Barton seconded; Motion carried 3-1 with Commissioner Walters in dissent and Commissioner Quarrie abstaining.

D. Research Painting of Crosswalks – Mayor Hoover

Mayor Hoover asked the Commission to approve directing the Town Manager to collect some prices for artists to complete some cross work art, in addition he asked the Town to research the areas in Town that have sidewalks without crosswalks and begin the process of planning for them.

Commissioner Quarrie suggested they consider creating a painted crosswalk near Gemini Elementary School on Oak Street or Pine Street. She also said this artwork would need to be maintained and they should select a simple design that is easier to upkeep.

~~E. Discussion of Town Leadership – Commissioner Walters Removed per Commission Walter's request.~~

F. Contract Renewal for James Moore & Co., P.L. – Town Manager Mascaro

Commissioner Runte moved to approve the contract renewal as presented; Vice Mayor Burton seconded; Motion carried 4-1 with Commissioner Walters in dissent.

G. Consideration of Parks Board Schedule of Events & Logo - Town Manager Mascaro

Town Manager Mascaro reviewed the draft schedule of events prepared by the Parks Board and presented a flyer for consideration.

Commissioner Runte move to approve the Parks Board schedule of events including hiring a yoga instructor for \$50 per class payment with no donations allowed, as well as the use of the logo and flyer, and to authorize classical music in the park a few times a month if approved by the Town Manager; Vice Mayor Barton seconded;

Commissioner Quarrie felt the yoga instructor should not be paid.

Commissioner Walters asked where the money to pay the yoga instructor will come from. Town Manager Mascaro said it would come from the Parks Department.

Motion carried 3-2 with Commissioner Quarrie and Commissioner Walters in dissent

H. Consideration of request from Planning & Zoning Board to Research Code Changes – Town Manager Mascaro

Town Manager Mascaro explained that at the last Planning & Zoning Board Meeting, the Board tabled a site plan review based on concerns they expressed related to creating a separate living unit. They requested the Commission allow them to speak to the Town Planner and the Town Attorney about their concerns.

Commissioner Runte said the Board displayed unacceptable behavior in delaying the site plan approval based on personal opinion as opposed to the code rules and regulations which he said, allows for the site plan's approval.

The Commission agreed, stating that this could have caused a lawsuit for the Town and created an unnecessary hardship for the owner.

By consensus, the Commission agreed not to approve the request from Planning & Zoning and further ordered that the Board hold an emergency meeting as soon as possible in order to approve the site plan.

Commissioner Quarrie moved to turn down the request from the Planning & Zoning Board; Commissioner Runte seconded; Motion carried 5-0.

Mayor Hoover called for a short break at 9 p.m.

The meeting resumed at 9:10 p.m.

- I. Appointment of Conflict Legal Counsel for Code Enforcement Case 2020-CE-198 – Town Attorney Repperger

Commissioner Quarrie moved to accept the appointment of conflict council as presented; Commissioner Runte seconded; Motion carried 5-0.

- J. Resolution 2021-05 – Budget Amendment – Finance Manager Kerr

Commissioner Quarrie moved to approve the Budget Amendment and Resolution 2021-05 as presented; Vice Mayor Barton seconded; Motion carried 5-0.

- K. Resolution 2021-06 – Addition of Application Amendment Fee to the Town of Melbourne Beach Fee Schedule – Town Clerk Torres

Commissioner Walters moved to Approve Resolution 2021-06, amending the zoning amendment application fee as part of the Town Fee Schedule; Vice Mayor Barton seconded; Motion carried 5-0.

L. Proposed Updates to Town of Melbourne Beach Code of Ordinances as it pertains to Fire Protection – Fire Chief Brown

Chief Brown reviewed the code of ordinances as it pertains to fire protection and currently the Town is using a 1997 version of FFPC version, so he decided to update the code in order to be in-line with current state statutes and to bring the Town up to the same level as other local municipalities.

Chief Brown added a section on beach fires as well as a section that allows the municipality to recover costs for hazardous incidents and to prevent the Town from being stuck with the resulting bill. Instead it allows the Town to collect fees.

Commissioner Quarrie expressed concern over whether the smoke from beach fires would impact beachside homeowners.

Fire Chief Brown said he recommends the Town allow beach fires in one location for one year, perhaps Ocean Park – so no residential structures are nearby – and then they can see how it goes.

Town Manager Mascaro added that right now the code says only charcoal is allowed on the beach – which can be dangerous. Therefore the language was changed to allow propane. She said in regard to beach fires – they added age restrictions, clean-up requirements, limits on attendance, material requirements, time frames, etc.

Commissioner Runte said he thinks all the changes are great and believes that we are currently the only Town that doesn't allow beach fires. He suggested extending the time to midnight and also extending resident parking from 9 p.m. to midnight.

Commissioner Walters agreed with the addition of protection against paying for hazardous accidents – but did not think the Town should get involved with fires on the beach due to the risk of liabilities.

Commissioner Quarrie asked if they are allowed to restrict this kind of activity on the beach.

Town Attorney Repperger said that is a complicated question that goes beyond the discussion tonight. He will look at any potential issues or restrictions. However this language was taken from other local jurisdictions and he does not think they have had any issues at all.

Commissioner Walters asked about the Fire Department lockbox (access box) security protocol. Chief Brown explained it was a very secure system.

Commissioner Runte said he feels that residents would love the opportunity to have beach fires and added that on P. 225 – the end time of 10 p.m. should be extended to 12 midnight.

Mayor Hoover suggested that Chief Brown remove the language that addresses time from the draft ordinance and they can change it by policy (later) if they wish instead.

He also asked that the chief bring the Commission an outline for permits and fees and have the Town Attorney review it and send it back to the Commission.

Commissioner Runte moved to approve the proposed updates to the Town of Melbourne Beach Code of Ordinances as it pertains to fire protection with the changes recommended regarding hours and to be presented again to the Town Commission for First Reading after review by the Town Attorney; Vice Mayor Barton seconded; Motion carried 5-0.

M. Consideration of contracting a landscaping company – Public Works Director Davis

Public Works Director Davis said the goal is to expand into parks that are grossly overgrown to have landscaping that would include native and Florida friendly plantings.

Commissioner Runte said that we need landscaping now and can cover the beautification under the action items – **landscaping at all parks added to Action Item list.**

Commissioner Runte moved to direct the Town to create an RPF for landscape work; Commissioner Walters seconded; Motion carried 5-0.

12. Staff Reports

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

- 1. Public Works Department
- 2. Code Enforcement

Commissioner Walters said he felt the Code Enforcement Officer as doing a good job.

- 3. Police Department
- 4. Fire Department

Chief Brown shared that a beach wheelchair had been donated. He also thanked Commissioner Runte for allowing his department to use his house during demolition for training.

Commissioner Runte expressed his gratitude to both Chief Brown and Chief Griswold, who he said, assisted his family through a few issues and he was impressed by the attention and quick response.

5. Finance Department

Commissioner Runte moved to approve the July Finance Report as presented; Commissioner Quarrie seconded; Motion carried 4-1 with Commissioner Walters in dissent.

13. Town Commission Comments

- A. General Comments
- B. Review of Commission Action List

Closed

- **Bike Trail Options**


Updates

- **Add new item: The Town is asked to research crosswalk locations in Town** - the locations where they are needed, the type of crosswalk art that would work well – and artist estimates to complete the work.
- **FDOT Traffic Stanchions** – Update October RTCM
- **Research Charging Stations** – Update next month at September RTCM
- **Ocean Avenue Beautification** – Expand to include Town Parks and landscaping plan. Update at September RTCM
- **Stop Sign Placement** – Update at October RTCM
- **Research Expanding Outdoor Seating** – Discuss at December TCW.
- **Schedule Annual Town Board Meetings** – Update at October RTCM

14. Adjournment

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

Meeting adjourned 10:31 p.m.


Wyatt Hoover, Mayor

ATTEST:  5/18/22
Amber Brown, Interim Town Clerk

Minutes were approved but not signed.