

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING**

**MONDAY, AUGUST 19, 2020, 6:30 p.m.  
COMMUNITY CENTER, 509 OCEAN AVENUE**

### **MINUTES**

#### **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 Jennifer Torres  
Finance Manager Jennifer Kerr

**1. Call to Order**

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

**2. Roll Call**

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Finance Manager Jennifer Kerr  
Town Attorney Cliff Repperger

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

Led by Mayor Simmons

**4. Presentations**

**5. Boards and Committees**

- A. Review of Town Board Volunteer Applications to fill Board vacancies

**Vice Mayor Wyatt Hoover moved to appoint Jamie Guth as a member of the Environmental Advisory Board; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Quarrie moved to appoint Tom Jones as an alternate of the Parks Board; Vice Mayor Hoover seconded; Motion carried 5-0.**

**Commissioner Quarrie moved to appoint Rachel Rubenstein as an alternate of the Parks Board; Vice Mayor Hoover seconded; Motion carried 5-0.**

**6. Public Comments**

*Ingrid Perkins*  
*510 3<sup>rd</sup> Ave*

Ms. Perkins said the Vacation Rental Ordinance confuses her and Mayor Simmons said she should schedule a meeting with the Town Manager to discuss her concerns.

*Steve Perkins*  
*510 3<sup>rd</sup> Ave*

Mr. Perkins said he agrees with his wife and stated he doubts there is one person in the room who has paid more taxes than his family.

*John England*  
*514 Ave. B*

Mr. England noted that the parking spaces at the end of streets are not being used and feels it's a good idea to roll those spaces into a paid parking program because it's a shame that the accesses are completely shut off.

*Mike Pollen*  
*305 Ave. B*

Mr. Pollen said he completely disagreed with the gentlemen who just spoke and felt for the first time that he didn't have to worry about animals, kids, and college students destroying his yard.

**7. Approval of the Agenda**

Mayor Simmons added approval of the draft minutes to the agenda and reset the order of items, requesting that under Consent Agenda – Item D Reappointment of John Haig to the Board of Adjustment for a term of 3 years - be moved to New Business.

**Vice Mayor Hoover moved to approve the agenda as modified;**  
**Commissioner Quarrie seconded; Motion carried 5-0.**

**8. Consent Agenda**

- A. Site Plan Review for 310 Fourth Avenue, Melbourne Beach
- B. Site Plan Review for 222 Surf Road, Melbourne Beach
- C. Reappointment of Charles Cain to the Board of Adjustment for a term of 3 years
- E. Reappointment of Kelli Hunsucker to the Environmental Advisory Board for a term of 2 years
- F. Reappointment of Genie Gold to the History Center Board for a term of 2 years
- G. Reappointment of Jo Solley-Hansen to the History Preservation & Awareness Board Center Board for a term of 2 years

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

**9. Public Hearings**



A. First Reading of Ordinance 2020-04 amending Section 7A-102, Appendix A, Town Code of Melbourne Beach, Florida (Land Development Code) – Town Attorney Repperger

B. Town Attorney Repperger read Ordinance 2020-04:

**AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF MELBOURNE BEACH, AMENDING SECTION 7A-102 TO AUTHORIZE THE CONSIDERATION OF CONDITIONS, LIMITATIONS, OR REQUIREMENTS IN A PROPOSAL FOR ZONING CHANGE OR AMENDMENT VOLUNTARILY PROFFERED AS PART OF A BINDING DEVELOPMENT AGREEMENT; CREATING SECTION 7A-103 AUTHORIZING BINDING DEVELOPMENT AGREEMENTS; PROVIDING A SERVERABILITY /INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.**

### **Public Comments**

*Tom Swenson  
220 Surf Road*

Mr. Swenson said he didn't understand what the Town Attorney said and Mayor Simmons proceeded to explain what Binding Development Agreements are.

**Vice Mayor Hoover moved to approve Ordinance 2020-04;  
Commissioner Runte seconded; Motion carried 5-0.**

### **10. Old Business**

A. Review and possible action regarding Ordinance 7A-67 related to Boats & RVs – Commissioner Quarrie

Commissioner Quarrie provided excerpts from the minutes of past meetings where the proposed Ordinance had been discussed. After reviewing them, her assessment was that Planning & Zoning did recommend it and the Commission passed it and she felt it was tabled because there was some confusion. But based on the decisions made by both Planning & Zoning and the Commission, she felt the Ordinance should go forward and not be sent back to Planning & Zoning.

Commissioner Walters said Planning & Zoning wanted to separate RVs and boats in the Ordinance.

Commissioner Quarrie pointed out that Planning & Zoning considered separating boats and RVs, but didn't. They only asked the Commission to consider it and the Commission made the decision not to separate based on the cost of advertising.

Mayor Simmons said, to him, the issue is more of a code enforcement issue. We don't allow extended sides, sewer hookup, etc.

Commissioner Quarrie said the real issue is whether or not your neighbor can see any of your recreational vehicles and she felt that everyone who spoke at the last meeting agreed with her sentiment that if someone has an issue with what they are looking at, it's up to them to change their view.

Commissioner Runte expressed confusion as to why they are discussing this issue again because it was already dealt with at public hearings, etc.

Vice Mayor Hoover said he received a lot of feedback on the issue since March and felt the Commission should consider adding some additional requirements for RVs.

Commissioner Walters said this all started because we had a 14-foot tall, 45-foot RV next to a home and the Mayor recommended sending the issue to Planning & Zoning and they came back and said we would like to separate those issues. He added that Vice Mayor Hoover had comments not addressed yet and said Planning & Zoning is an advisory board and they know what they are doing. He added that when it came back to us we don't have to accept it and to not send it back to Planning & Zoning when they requested it is a slap in the face.

Mayor Simmons said he wanted to correct something. He did not recommend it was sent to Planning & Zoning - that is just the process they are required to follow. He added that we already sent it to them once and we don't send it back and forth.

### **Public Comments**

*Adam Myer*  
*214 Surf*

Mr. Myer's concern is that he is unaware how many RVs are parked in the Town. His guess is that people with large RVs are not the majority and his concern is that we will change the Town policy for a minority not the majority.



*Tom Swenson  
217 Surf*

Mr. Swenson said he agreed with Mr. Myer in that the Commission seems to be working for the minority not the majority.

*John England  
514 Ave. B*

Mr. England said that as a boat owner, he is in favor of being able to have a boat that is at least 30-feet in length.

Commissioner Runte commented that numerous code violations have been issued based on outdated code related to boats and RVs because over time the size has increased and everything is bigger. He said this Ordinance does have a lot to do with stopping repetitive code violations for an unreasonable code made 50 years ago.

*Jeff Saracca  
508 Banyan Way*

Mr. Saracca said he has had a 33-foot boat on the side of his house for years and he's been a resident, paying taxes to the Town longer than most people in the room. He disagrees with any change that would force anyone with a boat that is over the size regulations to find storage because that is very hard to do.

*Brian Troy  
509 Hibiscus Trail*

Mr. Troy said the 26-foot limit is outdated and storage is expensive and difficult to find.

Mayor Simmons said the Commission could go a couple different ways with this issue; send it back to Planning & Zoning, table it, or approve it.

**Commissioner Walters moved to send Ordinance 2020-03 back to Planning & Zoning; Vice Mayor Hoover seconded;**

**Motion failed 2-3, with Mayor Simmons, Commissioner Quarrie and Commissioner Runte in dissent.**

**Commissioner Quarrie moved to accept Ordinance 2020-03 as a First Reading; Commissioner Runte seconded; Motion carried 3-2 with Vice Mayor Hoover and Commissioner Walters in Dissent.**

- B. Review Social Media Policy. Provide edits and changes if necessary – Town Manager Mascaro

Town Manager Mascaro said she was tasked with creating a social media policy and part of that policy requires that if Commissioners have a social media account as a Commissioner, it must be approved through the Town. Each Commissioner is responsible for getting that information to Town staff because everything is subject to public records.

She asked the Commission if they had any changes or edits.

Town Attorney Repperger passed out a Sunshine Law overview to provide a general overview of what Sunshine Law entails.

Mayor Simmons and Vice Mayor Hoover each made a few minor grammatical edits to the policy.

**Public Comments**

*Ingrid Perkins  
510 3rd Ave*

Ms. Perkins suggested making meetings available online and live-streaming them.

*Sue Tompkins  
204 Neptune Drive*

Ms. Tompkins said she feels very fortunate that we have a Police Department that goes above and beyond the call of duty.

*Lauren Hardman  
320 6th Ave.*

Ms. Hardman asked what discipline occurs when a Commissioner uses slanderous language on social media. Mayor Simmons said they can be censured but not removed. Ms. Hardman felt there should be repercussions for bad behavior because her taxes should not be going towards Town Attorney bills caused by a Commissioner's bad behavior.

Walters wanted to clarify that the Town Manager does not have the right to censor him on his own media.

Town Attorney Repperger said she does not.

**Vice Mayor Hoover moved to approve the Town social media policy; Commissioner Runte seconded; Motion carried 4-1 with Commissioner Walters in dissent.**

## **11. New Business**

**Added item:** Reappointment of Haig John to the Board of Adjustment for a term of 3 years

Mayor Simmons said the records show that Haig John of the Board of Adjustment had only made one meeting out of six in three years and he would not recommend reappointment.

Commissioner Walters agreed.

Mayor Simmons asked if there was a motion to reappoint Haig John. No motion was made.

**Dies for lack of a motion.** Haig John will not be reappointed to the Board of Adjustment

- A. Confirm Qualified Candidates and Order Names to be printed on the November 3, 2020 Municipal General Election and Special Election Ballot – Town Clerk Torres **(2:03)**

Town Clerk Torres said three candidates qualified for one (1) Commissioner-at-Large seat for a (2) two-year-term and one (1) candidate (who is unopposed) qualified for the Mayoral seat for a three (3) year term.

Mayor Simmons said Vice Mayor Hoover would need to recuse himself from the vote.

**Commissioner Quarrie moved to qualify Wyatt Hoover for the Mayoral Election on November 3, 2020 in the Town of Melbourne Beach; Commissioner Runte seconded;**

Commissioner Walters said only one candidate completed their paperwork correctly and the motion should include forgiving any discrepancies or errors in the candidate's paperwork. He asked that the motions are amended to include this forgiveness of errors. He indicated he will send the Town Clerk a list.

**Commissioner Quarrie withdrew her motion.**

**Commissioner Walters moved to qualify Wyatt Hoover as a candidate for the Mayoral Election on November 3, 2020 and order his name**



**listed on the ballot forgiving any discrepancies that may exist in his paperwork; Commissioner Runte seconded; Motion carried 4-0. (Vice Mayor Hoover recused himself from this vote.)**

**Commissioner Walters moved to qualify Joyce Barton as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in her paperwork; Commissioner Runte seconded; Motion carried 5-0.**

**Commissioner Walters moved to qualify Paul Carlson as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in his paperwork; Commissioner Runte seconded; Motion carried 5-0.**

**Commissioner Walters moved to qualify Gail Gowdy as a candidate for Commissioner-at-large for the Town of Melbourne Beach forgiving any discrepancies that may exist in her paperwork; Commissioner Runte seconded; Motion carried 5-0.**

- B. Consideration of ending Emergency Orders 2020-06 and 2020-07 or extending the Emergency Orders with Ordinance 2020-08 and Ordinance 2020-09–  
Mayor Simmons (2:09:35)

*Bruce Morgan  
501 Sunset Blvd.*

Mr. Morgan said he believes masks should be optional

*Ingrid Perkins  
510 3rd Ave*

Ms. Perkins said she believes masks should be used and would like to see the Commission extend the orders.

**Commissioner Runte moved to approve Emergency Order 2020-09 and Emergency Order 2020-10 which extend the Town mask mandate through September 17, 2020; Commissioner Quarrie seconded; Motion carried 5-0.**

- C. Review Proposal from Florida Solar Energy Council on Performing and Energy Analysis and Solar Feasibility Assessment – Town Manager Mascaro

Town Manager Mascaro said the EAB Board contacted Karen Fenaughty with Florida Solar Energy Council to determine the scope and cost of an energy audit for the Town Hall Complex. Their cost the proposal came back at \$5,000.

Vice Mayor Hoover said he doesn't think they should approve it at this time because it seems like a lot of money and he would like more details before approving. He would also like the Town to look into grants.

No motion made.

- D. Consideration of allowing artwork to be painted on the Town's Stormwater drains  
– Town Manager Mascaro

Town Manager Mascaro explained that the EAB asked to have the Commission consider allowing artwork to be painted on the Town's Stormwater drains. The artwork would be completed by local artists (local schools, churches, youth groups and local artists) free of charge. The Town would supply the art supplies.

Commissioner Runte said that as long as there is quality control, he's good with it.

Vice Mayor Hoover said his biggest concern is what they will look like in 12-15 months.

*Ingrid Perkins  
510 3rd Ave*

Ms. Perkins said she would really like to see an encouragement of art in community.

*Joyce Barton  
322 Avenue*

Ms. Barton said she's concerned residents won't all know it was a planned thing and then they may go out and do it themselves so it could promote graffiti.

No motion made.

- E. Consideration and Review of Quote from Computer Experts for new Software Licenses – Town Manager Mascaro

Town Manager Mascaro said the Town's current software licenses for Microsoft Office expire in October 2020. The quote from Computer Experts for new computer software licenses for 15 workstations is \$5,985.00

Commissioner Runte said the process is expensive and the way the Town Manager is presenting it is more cost effective.

**Public Comments**



*Ingrid Perkins*  
*510 3rd Ave*

Ms. Perkins asked if the Town considered having resident who owns a computer software company handle this.

Commissioner Runte said they have to go with Microsoft products.

**Commissioner Quarrie moved to approve the quote from Computer Experts for new software licenses; Vice Mayor Hoover seconded; Motion carries 5-0.**

- F. Consideration of moving money from the Reserve Account into a 360 day Certificate of Deposit account with an estimated 0.05%\* annual percentage yield, which translates to \$498.35 at 360 days – Finance Manager Kerr

The Finance Manager said the interest rate has returned to what it what was but the Commission could consider approving a move if the rate goes back down again.

**Public comments**

*Ingrid Perkins*  
*510 3<sup>rd</sup> Ave.*

Ms. Perkins said this sounds like a great idea but wondered if there is a particular reason the Town used BBR and not Space Coast Credit Union. The Mayor replied it was due to the fact that the bank must be a commercial bank.

**Commissioner Runte moved to give Ms. Kerr the authority to stagger two CDS to purchase CDs if the rate goes down to .05; Vice Mayor Hoover seconded; Motion carried 5-0.**

- G. Consideration of Budget Resolution 2020-05 – Finance Manager Kerr

Finance Manager Kerr explained that it's time to renew the Town's current health plan and recommended renewing the current plan because it's in the best interest of the employees.

**Vice Mayor Hoover moved to approve Budget Resolution 2020-05; Commissioner Runte seconded; Motion carried 5-0.**

- H. Consideration of Reallocation of Funds from FY 2019-2020 Fire Control Budget – Fire Chief Gavin Brown

Chief Brown requested the following:



1. Move Extractor Washer/Dryer line item to long term capital fund. (\$11,000)
2. Allow repainting of Fire Department interior garage walls with funding from Floor Refinishing capital item. (\$1,475)
3. Move remaining funds from Professional Services to long term capital fund to assist with the purchase of an equipment trailer and chief/administrative vehicle or the Fire Department. (Approx. \$50,000)

Commissioner Walters said he would be in favor of approving items 1-2 but thought that as far as vehicle the Chief should to ask the MBVFD Inc. to buy it.

Chief Brown said he's just asking for the money they didn't spend this year to be allocated for this purchase.

Commissioner Quarrie said she's happier leaving the money in rather than putting it into a new truck.

**Commissioner Walters moved to approve that the \$11,000 extractor washer/dryer line item be moved to long term capital fund; Vice Mayor Hoover seconded;**

#### **Public comments**

*Ingrid Perkins  
510 3rd Ave.*

Ms. Perkins said she is in favor of approving the vehicle because the Chief made valid points.

**Motion carried 5-0.**

**Commissioner Walters moved to approve repainting of Fire Department interior garage walls with funding from Floor Refinishing capital item, not to exceed \$1,500; Vice Mayor Hoover seconded; Motion carried 5-0.**

Mayor Simmons suggested they separate item #3 into two separate items, one dealing with the equipment trailer and the other with the vehicle.

**Commissioner Walters moved to approve moving funds from professional services to long term capital fund to assist with the purchase of an equipment trailer not to exceed \$8,000; Vice Mayor Hoover seconded; Motion carried 5-0.**

**Commissioner Walters moved that the Commission ask MBVFD Inc. to purchase Chief Brown a vehicle;**

**Motion died for lack of a second.**

The Commission decided to address any distribution of the remaining funds until an exact amount is known.

- I. Consideration of request that the Town Commission give the Police Pension Board the authority to adopt required tax compliance changes by policy and then request the Town Commission to add by Ordinance at a later date - Attorney Bonni Jensen on behalf of Police Pension Board.

**Commissioner Walters moved the Commission give authority for the Police Pension to adopt required tax compliance changes by policy and advertise for a First Reading of the related Ordinance next month; Vice Mayor Hoover seconded; Motion carried 5-0.**

- J. Discussion and possible action related to two options that may offer safer bike travel in Town – Public Works Supervisor Davis

The Commission had requested that staff research options for safer bike travel in our Town. Public Works Supervisor Davis said research has been completed and two options identified. They are:

- Pavement markings of bike sharing lanes on the pavement with the cost of the stencil to do in-house painting is \$195 plus shipping. The cost of the paint and materials would depend on how many areas the symbol is applied. It must be painted on the pavement every 250 feet and after each intersection. Reflective paint would be the optimum material, or:
- Post the "Lanes Shared with Bikes" signs. It is not specified the frequency with which the signs must be posted. The signs could be posted on our present traffic control signs such as speed limit etc. The cost per sign would average about \$60 per sign.

**Vice Mayor Hoover moved to go forward with road stencils on streets that are 22-feet or wider and delay Orange; Commissioner Runte seconded; Motion carried 5-0.**

## **12. Staff Reports**

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

Town Manager Mascaro said she heard back from FDOT about how they can reduce the speed limit on A1A.

In regard to Business Tax Receipts, she suggested the Commission consider waiving the fees due to the impact of COVID on local businesses.

Commissioner Walters requested that the candidates for office receive a copy of meeting agendas.

- C. Town Clerk Report – None
- D. Departmental Reports:
  - 1. Building Department

Commissioner Quarrie asked if the Building report could be changed so that private information isn't revealed.

- 2. Public Works Department - None
- 3. Code Enforcement - None
- 4. Police Department – None
- 5. Fire Department – None
- 6. Finance Department



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

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

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

### **Closed:**

- Comprehensive plan for safe pedestrian and bike routes
- Social Media Policy
- Establish Facebook pages

### **Updates:**

- **Collaborate with Indialantic for Joint Request to FDOT to reduce Speed:** Will update at Oct. RTCM.
- **Street Repaving** – TM did not receive costs from Scott. Update at Sept RTCM.
- **Charging stations:** PWS says breaker box must be replaced at a cost of \$3,000-\$4,000. TM asked to see how much generic cost would cost and update at Sept RTCM.
- **Employee 6-month evaluations:** Almost all in. TM asked Commission to consider changing timing of evaluations to October in 2021 around the time of the annual review.
- **Code enforcement magistrate:** Move First Reading to September
- **Sheds on corner lots:** Send to PNZ for review in October

### **14. Adjournment**

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

Meeting adjourned at 10:28 p.m.

**ATTEST:**

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

  
\_\_\_\_\_  
Jennifer Torres, Town Clerk