

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
WEDNESDAY, NOVEMBER 17, 2021 AT 6 P.M.
COMMUNITY CENTER, 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

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 p.m.

2. Roll Call

Town Clerk Torres conducted the roll call

Commission Members Present

Mayor Wyatt Hoover

Vice Mayor Joyce Barton

Commissioner Sherrie Quarrie

Commissioner Corey Runte

Staff Members Present

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Finance Manager Jennifer Kerr

Town Attorney Clifford Repperger

Public Works Director Tom Davis

Fire Chief Gavin Brown

3. Pledge of Allegiance

Mayor Hoover led the Pledge of Allegiance

4. Presentations

A. Acknowledgement of Commissioner Walters service

Mayor Hoover acknowledged Commissioner Walters time as Commissioner, expressing appreciation and thanks for his service to the Town.

B. Administration of Oath of Office to newly elected member of the Town Commission

Town Clerk Jenifer Torres administered the Oath of Office to Commissioner Sherri Quarrie.

5. Discussion and Consideration of Vote to Appoint

A. Review and discussion related to three candidates under consideration for a one-year-term appointment to fill one open seat as Town Commissioner.

Mayor Hoover explained that there is one Commission seat open for appointment. For 2021 there were two seats open – and two candidates submitted paperwork during the candidate qualifying period; Sherri Quarrie and Marivi Walker. Subsequently, Ms. Quarrie was qualified. Due to a technical error, Ms. Walker was not. Therefore, the Commission chose to appoint one person for the Commission seat for a term of one year – after which an election would be held for a three-year-term. The Commission invited all residents to apply for the appointment by submitting a statement. Three residents applied.

Each candidate took three minutes to share their reason for wanting to be appointed to the Commission. They are:

- David McClure
- Marivi Walker
- Katherine Wilborn

Each Commissioner took a moment to address each candidate and thank them for their willingness to serve. In the end the consensus of the Commission was that Ms. Walker had taken the time to submit qualifying paperwork within the required timeline and it was only due to a small technical error that she wasn't qualified at that time.

Public Comment

*Alison Dennington
413 Surf Road*

Ms. Dennington asked why a special election did not take place and expressed concern upon hearing each Commissioner had met with Ms. Walker privately prior to the meeting.

*Jim Simmons
409 Avenue B*

Mr. Simmons said there are two goals when you hold office; get a sane Town staff who will remain for the long-term, and have a Commission that doesn't make people recoil. He went on to say he supported Ms. Walker because she did the hard work of submitting qualifying paperwork and obtaining signature.

Commissioner Quarrie moved to appoint Marivi Walker to serve a one-year-term as Town Commissioner; Commissioner Runte seconded; Motion carried 4-0.

Town Clerk Jenifer Torres administered the Oath of Office to Commissioner Marivi Walker.

Mayor Hoover called a ten-minute recess to celebrate the Commissioner Quarrie and Commissioner Walker.

Mayor Hoover called the meeting to order at 7:35 p.m.

Town Clerk Torres took roll call:

Commission Members Present

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherrie Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members Present

Town Manager Elizabeth Mascaro
Town Clerk Jennifer Torres
Finance Manager Jennifer Kerr
Town Attorney Clifford Repperger
Public Works Director Tom Davis
Fire Chief Gavin Brown

Discussion then moved to select a Vice Mayor for the new term.

Commissioner Runte said he believes Vice Mayor Barton has been an excellent addition to the Town Commission and said he would like to see her stay in the role of Vice Mayor.

**Commissioner Runte moved to select Joyce Barton as Vice Mayor;
Commissioner Quarrie seconded; Motion carried 5-0**

6. Boards and Committees

7. Public Comments

*Alison Dennington
403 Surf Road*

Ms. Dennington said she would like to ask the Commission to take the fire code Ordinance off the agenda.

8. Approval of the Agenda

9. Consent Agenda

- A. Approval of October 20, 2021 RTCM Draft Minutes
- B. Site Plan Approval for 303 Riverside Drive

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

10. Public Hearings

- A. Second Reading of Ordinance 2021-05; An Ordinance of the Town of Melbourne Beach, Brevard County, Florida amending various sections of the Code of Melbourne Beach related to the Fire Department, Protection and Prevention

Town Attorney Repperger read Ordinance 2021-05.

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING VARIOUS SECTIONS OF THE CODE OF MELBOURNE BEACH REGARDING FIRE DEPARTMENT, FIRE PROTECTION AND PREVENTION, AND HAZARDOUS MATERIALS INCIDENTS COST RECOVERY; SPECIFICALLY AMENDING SECTION 11-41, POWERS AND DUTIES; AMENDING THE TITLE OF CHAPTER 45 OF THE TOWN CODE; AMENDING SECTION 45-1, TO CREATE A NEW SECTION TITLED, ADMINISTRATION; AMENDING SECTION 45-2 TO CREATE A NEW SECTION TITLED, ANNUAL FIRE INSPECTION REQUIRED; EXEMPTIONS; AMENDING SECTION 45-3 TO CREATE A NEW SECTION TITLED, FIRE PROTECTION PERMIT FEES AND FIRE PREVENTION INSPECTION FEES; AMENDING AND RENUMBERING SECTION 45-4, FIRE PREVENTION CODE ADOPTED; AMENDING AND RENUMBERING SECTION 45-5, LIFE SAFETY CODE ADOPTED; RENUMBERING SECTION 45-6, CONFLICT; RENUMBERING SECTION 45-7, REPEALED; AMENDING AND RENUMBERING SECTION 45-8, REVIEW OF BUILDING PLANS AND SPECIFICATIONS BY A FIRESAFETY INSPECTOR; CREATING NEW SECTION 45-9, TITLED, IMMINENT HAZARDS; CREATING NEW SECTION 45-10, TITLED, ACCESS BOX; CREATING NEW SECTION 45-11, TITLED, PULL STATION PROTECTION; CREATING NEW SECTION 45-12, TITLED, FIRE PROTECTION SYSTEM OUTAGES; AMENDING AND RENUMBERING SECTION 45-13, OPEN BURNING RESTRICTIONS; CREATING NEW CHAPTER 75, TITLED, HAZARDOUS MATERIALS INCIDENTS COST RECOVERY; CREATING SECTION 75-1, TITLED, INTENT AND PURPOSE; STATUTORY AUTHORITY; JURISDICTION; CREATING SECTION 75-2, TITLED, DEFINITIONS; CREATING SECTION 75-3, TITLED, LIABILITY FOR COSTS; CREATING SECTION

75-4, TITLED, COLLECTION AND DISBURSEMENT OF FUNDS; CREATING SECTION 75-5, TITLED, METHODS OF ENFORCEMENT; 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.

Having received two emails related to concerns about the way the Ordinance reads, Fire Chief Brown addressed those concerns.

Public Comment

*Alison Dennington
413 Surf Road*

Ms. Dennington expressed concern over the clarity of some of the language and had questions related to Page 80, 45-8.

Commissioner Runte said the proper process to address the Commission outside of the meeting is to email them directly. He added that this is the third meeting they've had to review this Ordinance, which provides very nice benefits for Town residents including the ability to now have bonfires.

Commissioner Runte also addressed what he viewed as malicious messages spread to residents on the social app Next Door by someone called Al Dennington. In one message, Dennington said there was a "very important significant code change containing a secret poison pill that will affect every single lot in Town"...and went on to refer to the fire code as a "snake in the weeds."

He said this person was misinformed – questioned the motives behind this "poison pill" email and suggested that whoever Al Dennington is - they may want to reconsider their actions – because the commission never received any input or feedback from Al Dennington in previous meetings or via email.

*John Butler
312 Avenue A*

Mr. Butler asked for clarification on a portion of the Ordinance. Paragraph 45-2. He asked they be specific in the Ordinance.

*Alison Dennington
413 Surf Road*

Ms. Dennington shared some further concerns related to the Ordinance language but said she was pleased with the changes made.

She also identified herself as the Al Dennington who posted a message referencing a “poison pill” on social media. She claimed she was not good at social media and enjoyed using “hyperbole.”

Commissioner Runte said next time she should consider sending her proposed solutions to directly to the Commission instead of on social media. He reiterated that her post was malicious in nature.

*Joni Shepherd
2021 3rd Avenue*

According to her experience, Ms. Shepherd said anything that’s not single or two-family is considered commercial - she thought adding the word “commercial” would be a better solution.

Commissioner Runte said the intent is to follow language from the Florida building code.

Ms. Shepherd added that she was happy the Town was doing this.

To address some concerns related to language – Town Attorney Repperger suggested they add the wording: “except single-family or two-family dwellings and associated accessory structures.”

Commissioner Quarrie moved to accept the changes for Ordinance 2021-05 on its second reading including the addition of the verbiage “except single-family or two-family dwellings and associated accessory structures” to Section 11 -41-1 and Section 11-45-2; Commissioner Walker seconded; Motion carried 5-0.

11. Old Business

- A. Consideration of Installation of Second Parking Kiosk on Ocean Avenue at Ryckman Park.

Town Manager Mascaro discussed the issue.

Public Comment

Jennifer Ottomanelli
510 Avenue A

Ms. Ottomanelli commented on the fact that some people do not use smart phones or understand the technical aspect of the new kiosks – especially older folks. She suggested having at least one kiosk that accepted change.

Vice Mayor Barton moved to approve the purchase of a parking kiosk on Ocean Avenue at Ryckman Park, not to exceed 8,000; Commissioner Runte seconded; Motion carried 5-0.

Commissioner Runte suggested the Town install a sign with the Town Hall phone number near the kiosks so people who are having a hard time with them can ask for assistance.

B. Consideration of Charging Station

Town Manager Mascaro explained that the options including purchase or rental. She suggested rental in order to have the opportunity to try it out.

Vice Mayor Barton asked about amp.

Commissioner Runte said he was open to tabling this issue until next month so the Town can check quotes on higher amp models. Commissioner Quarrie said the Town should also look into any new grant options and check on adapter options. She suggested tabling it until January.

Mayor Hoover said they should leave it to the Town Manager's discretion. Commissioner Runte asked the Town Manager to add information related to use for electric golf carts or LSVs.

Public Comments

David McClure
401 2nd Ave

Mr. McClure suggested that it sounds like a solution for which we don't have a problem and was concerned with the impact of weather (salt).

*Alison Dennington
413 Surf Road*

Ms. Dennington liked the idea of the chargers.

*Jim Simmons
409 Avenue B*

Mr. Simmons suggested they survey the other towns and see what their usage is.

C. Consideration of Design Proposal

Town Manager Mascaro got in touch with a company called Brick & Batten who can create a design with a photograph in order to have something to present the shop owners. She said she sent drone photos to them to see if they were acceptable – and they are. The Town Manager said they discussed what the Town was looking for – i.e. – Key West style.

They will only do one rendering depending on what the Commission would like to see which can include anything like; adding a second story, outdoor dining, etc.

The cost is \$2,250 for a photo design of all seven stores in east wing. In FY 21 the Commission received money from a code enforcement fine and that money goes to beautification and can be used to pay for this. The west side can be done later if desired.

Mayor Hoover said one of his priorities is to create an area where the community can enjoy outdoor seating. He also desires to assist local businesses in thriving and this can help them visualize what an investment in restricting the space could do. This may involve changing parking space sizes – which would involve code changes.

Commissioner Quarrie said she wants the community to understand her desire is that we have a healthy business community – and if we don't show them some of the things that are possible – it could inspire them. This mission of town is to be a bedroom community and have commercial for that community. She believes the residents really want to keep the commercial section healthy.

Town Manager Mascaro said she had a conference call with Dix Hite, the people who did work in Daytona Beach and Jacksonville – and they asked what our plans were for the shopping center and they asked what our vision was. They emphasized that it's important to have a vision and get a cohesive design style to revamp the area.

Public Comment

*Jim Simmons
409 Avenue B*

Mr. Simmons said that while he admires the Commission's desire to improve Ocean Avenue – he feels strongly that it's a bad idea to pick and choose the businesses we choose to help. Where does it stop? This is spending tax dollars on private property and the Town should not be spending public funds on private property.

*David McClure
401 2nd Avenue*

Mr. McClure said that Mr. Simmons made some great points but he also think not to say where do we stop – but instead to focus on how to we start? The initiative to tackle this building is fabulous. The question is how?

His only concern is that if we jump into this idea and hire this one firm to do one a drawing – it looks like this firm is more focused on residential. He felt that we need a certain level of professionalism and a more comprehensive view.

He felt that the Town should try – but instead of just a photo – get a more comprehensive view.

*Alison Dennington
413 Surf Road*

Ms. Dennington wanted clarification on what property the rendering was for. She said she loves the Melbourne Beach Market and all the local businesses in that area and they are a huge asset. However she does think it is a slippery slope using public funds. She wondered why the shop owners were not present to say they do want this assistance. She also does not think the Town looks “bad” in the first place. She also wanted to know where the public can look at the beautification project “plans.”

Mayor Hoover clarified this plan is only in the discussion phase. There are no written plans at his time.

Commissioner Runte said they plan to have several public workshops and get public input before creating the written plan.

Joni Shepherd
2021 3rd Avenue

Ms. Shepherd said there is an owner there who does not seem to want to do anything to improve the building. She suggested they consider a contest – open to the public – where they draw their ideas for improvements to the space.

Vice Mayor Barton said the intention is to put the idea out there – it's not a design – it's not a master plan – just an idea to spark movement forward in our commercial area.

She went on to say that - yes it is privately owned but it is part of our Town and if we don't do something it won't improve.

Commissioner Runte said there are a lot of moving parts – landscaping, hardscaping and then you have the private properties that we are trying to help.

This is our commercial district, every one elsewhere has a CRA, and tax dollars go into it. So important to keep it healthy looking.

Mayor Hoover felt they should wait a month or two month to see what best value is. If they can get a clear vision –

Push down the road and see what the conversation with Dix Hite looks like –

Commissioner Quarrie said they have received countless emails and complaints about the building that has plywood in front of it – and they could not do anything with.

This is worth the initial research and whiteboard story of what it could be.

Mayor Hoover explained that Dix Hite is the group that does visions for downtown areas. He asked the Town Manager if they do visions for commercial facades as well and Town Manager Mascaro said yes. She said the next step is to talk to them about contracting – the Town Attorney needs to speak to them about piggybacking on some government contracts. There will be a large expense – and we could do phasing.

Because the Town Manager is in conversations with this group that does this same thing at a higher level - Mayor Hoover suggested they take their time and instead of piece-meal it – and getting the rendering for \$2,200 – maybe they can get a whole vision of a renovated street – as with what FDOT is doing.

He suggested they push this decision down road and see what conversation with Dix Hite looks like – and if that's not feasible- they can consider the rendering again.

D. Consideration of extending outdoor seating

Town Manager Mascaro said the Melbourne Beach Supermarket asked for an extension of the outdoor seating allowance in Resolution 2021-02.

Ron Goodman of Ocean 302 and the Melbourne Beach Market addressed the Commission and asked for a year-extension.

*Jim Simmons
409 Avenue B*

Mr. Simmons spoke on the issues of code changes – and being fair to all.

Commissioner Runte moved to approve the extension of Resolution 2021-02 (outdoor seating) for one year; Vice Mayor Barton seconded; Motion carried 5-0.

12. New Business

A. Consideration of Solutions to Address Vandalism at Pier

Commissioner Runte spoke on the issue and the need to do a full building inspection of electrical system and lights at the Pier.

He suggested security cameras.

Commissioner Quarrie asked about solar lights on the Pier.

Commissioner Runte said solar presents ADA issues because on a cloudy day they won't turn on. He said he personally thinks security cameras at the Pier are a good option – and they should also consider cameras at the Ocean Park bathrooms.

Commissioner Quarrie said cameras at end of streets was discussed once. She also felt the Police Chief should be part of the conversation

Commissioner Runte asked the Town Manager to get three proposals for coverage. He suggested they could do the installation in phases.

Vice Mayor Barton moved to obtain three quotes for an integrated system of cameras across Town to include the Pier, the bathrooms , Ocean Park and potentially the crossovers; Commissioner Walker seconded; Motion carried 5-0.

B. Resolution 2021-16

Commissioner Runte moved to approve Resolution 2021-16; Commissioner Quarrie seconded; Motion carried 5-0.

C. Resolution 2021-17

Vice Mayor Barton moved to approve Resolution 2021-17; Commissioner Walker seconded; Motion carried 5-0.

13. Staff Reports

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

14. Town Commission Comments

Mayor Hoover gave a brief statement related to his concerns over un-leashed dogs in Town and the safety issues this can cause. He suggested the Town lead some kind of awareness initiative related to safe dog practices.

Finance Manager Kerr suggested the Town go through Brevard County where many awareness programs are offered.

Town Manager Mascaro said they could do a dog safety series.

Town Attorney Repperger said there are rules in the Town Code that require leashing.

Mayor Hoover said he would think about the issue a bit more and bring it up again at a later date.

15. Action items

Research Charging Stations

- Discussed during meeting and will bring back June

Ocean Avenue landscaping

- Discussed during meeting
- RFP will be edited
- See what conversation with Dick's Height looks like – and if not feasible we can consider doing a rendering again

Crosswalks (Update in December)

- Mayor Hoover suggest grant funding to install nicer looking paver, permeable crosswalks that have underground water storage. **Investigate permeable crosswalks.**

Stop signs placement (update December)

- Public Works received them – but they are not up yet.

Commissioner Runte asked about action item for sidewalk extensions.

Town Manager Mascaro said it was budgeted for – and not an action item.

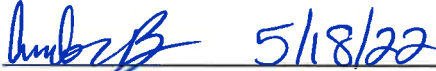
Commissioner Runte moved to adjourn; Commissioner Walker seconded; Motion carried 5-0.

Meeting adjourned at 9:25 p.m.



Wyatt Hoover, Mayor

ATTEST:



Amber Brown, Interim Town Clerk

Minutes were approved but not signed.