

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
DECEMBER 15, 2021 at 6:00 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

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

3. Pledge of Allegiance

Mayor Hoover led the Pledge of Allegiance

4. Presentations

- A. Parks Board request to host a Young Entrepreneur's Market in Ryckman Park

Town Manager Mascaro announced that the Parks Board was unable to attend the meeting this evening.

Commissioner Quarrie requested that the Town Attorney look into the legality of having an event involving money. In addition, she would like to have some sort of guideline when dealing with issues such as this.

Mayor Hoover asked the Town Attorney to research how the event may affect 9-I. For example, he would like to know if there are any limits on charitable contributions and he

wants to make sure the Parks Board has substantial information to present when they are able to attend.

5. Public Comments

*Frank Thomas
606 Atlantic Street*

Mr. Thomas noted that the Commission wasted the first 15 minutes talking about a group who was supposed to show up and did not. Mr. Thomas then spoke about the New Year's Day walk. It has been going on for many years and has always been successful rain or shine. It will take place at 10 a.m. on New Year's Day. Bruce Morgan will be on hand to do the presentation.

Commissioner Barton commented that it is a wonderful event and she has been on the walk many times and enjoyed it.

Stan Budes
503 Magnolia Avenue

Mr. Budes wanted to discuss the zoning. Mayor Hoover said that will be discussed during the agenda item. He said he has been through many controversies in Town during his time as Vice Mayor. The room used to be packed. He was worried there would be adjustments to the code and wanted to make sure that everyone had chance to give their input. The lagoon is one of his main concerns, and people need to put out their barrels. When somebody applies for a pool permit he thinks the Town should send someone out a few days later and have code enforcement check it out.

*Ali Dennington
413 Surf Road*

Ms. Dennington wanted to know why the Code Board was inactivated.

She said the idea of a special magistrate can be good because it can save the Town money – but the danger is that it is one person – who is not from the Town and if that person is not impartial that would cause a problem.

Mayor Hoover said it was hard to find people to serve who would be making decisions that might affect their neighbors – in addition to the complexity of the code.

Ms. Dennington said it sounds like the Commission didn't like their decisions. Mayor Hoover said – that is not the case - and he had already answered the question.

Town Attorney Repperger added a few additional comments explaining the rationale, which involved streamlining the hearing to one person who is experienced and knowledgeable with the legal issues.

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 November 17, 2021 RTCM Draft Minutes

An edited version of the minutes was presented with three minor changes.

Commissioner Quarrie moved to approve Item the November 19, 2021 draft minutes with the changes indicated; Commissioner Runte seconded; Motion carried 5-0.

B. Site Plan Approval for 402 Riverview Lane

Commissioner Runte recused himself from voting on site plan approval because he is the owner of the property.

Commissioner Quarrie moved to approve the site plan approval for 402 Riverview Lane; Commissioner Walker seconded; Motion carried 4-0.

8. Old Business

A. Consideration of alternatives for Town Pier lighting –PWD Davis

Public Works Director Davis presented some options for lights on the pier. He added that he feels a significant amount of what they thought was vandalism to the pier – may be fishermen and is accidental.

Commissioner Runte asked if the quote includes install. Public Works Director Davis said no. The Town would purchase the lights and install them.

Some discussion took place on the item including the use of different metals, weather resistance, strength, connectors, direction of light, and turtle safety. Public Works Director Davis said a box connector is the recommendation.

After Commissioner Runte asked about revenue from parking – Town Manager Mascaro said this particular project was not budgeted into that revenue fund. The projects are allocated – and it can be done - but she would need to move a few things around.

Mayor Hoover said they would have a future discussion related to where to find the funds in the budget before making a decision.

There are 62 fixtures in all – said PWD Davis.

Public Comment

*Neil Tompkins
Harbor East*

Mr. Tompkins suggested stainless, bronze or brass, and added that LED drivers do not do so well.

*Stane Budesa
503 Magnolia Avenue*

Mr. Budesa asked if there is a limit to how close the cast netters can get to the lagoon.

Mayor Hoover is interested in volt lighting and getting warranty info and he suggested they table the item until January. All agreed.

9. New Business

- A. Discuss the possibility of allowing changes in Zone 6B to allow for mixed use properties. Consider using elements from 7A-35 and 7A-38 to incorporate into a mixed use Zone 6B – Town Manager Mascaro

Town Manager said there has been a lot of discussion recently about beautification and what the Town and its residents are looking for. She said they are not looking to change the identity of Town - but feel the Town could use a little facelift. She went on to say the Town is not blighted but there have been vacant lots and properties lining Ocean Avenue for some time. She wanted to look at how the Town can help people expand their business and provide opportunities – one thing suggested was to change the zoning to allow residential or mixed use in that zone. She clarified some of the issues.

She discussed the use of exceptions as opposed to zoning changes and the options available. She also suggested the Commission could elect to change the uses without changing the zoning or applying for a special exception.

Town Manager Mascaro suggested they first talk about what their vision is for the East side of Ocean Avenue. She also clarified that the North side and South side do not have to be the same – they can be zoned or restricted differently.

Mayor Hoover thanked the Town Manager for the great summary. He wanted to clarify that as opposed to comments some people have made on social media insinuating they are trying to make some “crazy” moves – their actual intent is to start what will be a lengthy process among the Commission and with the residents and no decisions will be

made today. Retaining the character and charm of the community is of the utmost importance to everyone.

Commissioner Quarrie said her vision was to maintain the height and setbacks. The tricky part about changing 8B is the setbacks. She does not feel comfortable changing the setbacks or with any change in heights. She believes they should stay at 28.

Mayor Hoover said he agreed and asked how the rest of the Commission felt.

Everyone agreed to not change heights.

As for setbacks, Commissioner Runte said setbacks are a more loaded issue and would need further consideration.

Commissioner Runte said walking around Town there are a lot of buildings that have not been upgraded or maintained in years. He said the Town has one street and there are properties that have been sitting for so long – instead of being a vibrant business area like Indialantic's 5th Avenue. He suggested they look at how we can help those business that want to help themselves and find a way to motivate them. He said we can all agree that the Town could use a facelift and we have no tax base from businesses. It's a much larger conversation. It's important to remain quaint but it's also important not let things get into disrepair.

Mayor Hoover said he agreed with Commissioner Runte's points. He asked if they could agree to focus on 6B now and not the whole of Ocean Avenue.

It was agreed that was a good approach.

Vice Mayor Barton said her opinion was to bring more of a cohesive look, a more attractive appearance and more diversity in shop owners and businesses. As a Town, she would like to give more inspiration and direction to shop owners who may have become complacent. She wanted to establish a vision so residents could be a little more proud of the Town and see it look a little better and offer more opportunity and selection. The intention is not to make any major changes – just to make it better in an incremental way. As earlier expressed, she said we always take direction and opinions from the Town. Personally she would like to see a rendering of some sort in order to offer a visual of the changes they are considering. It helps people to envision the project better.

Commissioner Walker said she echoes what everyone else said. She is in agreement and loves the idea.

Commissioner Quarrie asked if we only do a mixed use as a special exception in 6B what would that application look like. Would we ask the applicant for a rendering of what they wish to do? They are all so unique. She feels we should have each shop owner tell us what they want to do – and then we can approve of it – or not.

Town Attorney Repperger said he is not a planner and can't advise on certain areas. He noted that the Commission was focused on the technical aspects and are ahead of where they should be in discussion. It should be more conceptual – for example, what do you want to see in that zoning classification. If you get a conceptual view of what you want to see – then the technical aspects can be worked out later.

Commissioner Runte asked if Commissioner Quarrie was suggesting that they use special exception instead of zoning use change because all properties are a little different.

She said yes – it would take the burden off us – instead of us telling them how it has to look – they bring it to us and it goes through a process.

Mayor Hoover said it will take a few years to propose and implement changes. It will give future Commissions the ability to exercise some oversight based on their concept of what the community needs and what residents want.

Commissioner Runte said he agrees with Commissioner Quarrie – it's a great idea and would alleviate concerns of any special interest. Incremental review would be good. We have one street – we want to make sure it has the best use possible. We can provide a buffet of options within those special exceptions.

Commissioner Quarrie said it gives applicants the ability to be creative.

She said the hot buttons in the community are drive-thru businesses and height. She went on to say they have mixed use – Savers Drug Mart is mixed use and she didn't know how they did that.

Town Manager Mascaro said it is commercial – and allowed to have second story – but what isn't allowed is residential. She believes they would have to do some research on the lot sizes. If it's going to be a minimum lot area – she still feels they need the setbacks in place.

Commissioner Runte said if we don't do something – it could be like Indialantic – Surf Style is tearing down their current building and building a bigger Surf Style – because the code is outdated and there is no room for anyone to do anything creative in that area including a brewery, a restaurant, a boutique hotel, etc. He feels that's what could happen in Melbourne Beach if we don't make some changes to our code here.

Mayor Hoover asked what would need to happen to allow roof-top dining
Town Manager Mascaro said nothing prohibits it but no one has ever done it – she added that parking could be an issue depending on the size.

Mayor Hoover said he spoke with a business owner who has outdoor seating in front of a restaurant that goes almost up to the sidewalk and that owner wants to have a covered space over the seating area – and he was told that is prohibited.

Commissioner Quarrie said she would think that would be considered a permanent structure on a setback. She questioned what the definition of a covered seating area outside is related to open air covered space vs. enclosed covered space.

Commissioner Walker asked why Dijon Pepaj has an aluminum cover in front of his restaurant.

Some further discussion took place.

Town Manager said you can allow it in 6B.

Commissioner Quarrie suggested a definition involving open air. What is allowable in open air? What is the use? Retail, restaurant, gardening, etc.

Mayor Hoover asked what the best way to work it would be – it was a question best made to the Town Planner. The Town Manager will take the suggestions back to the Town Planner to get some answers.

Commissioner Walker said open air markets are nice and good for the community.

Commissioner Runte said if COVID continues this would be a tool to help businesses survive.

Public Comment

*Frank Thomas
606 Atlantic Street*

Mr. Thomas has lived in Town since 1962. He acknowledged the Commission was very conscientious. He said the subject has been talked about in the past. We have done a lot of good things in the past – the Ryckman House, the post office. He wanted to invite them to the history center where there is a model of what Ocean Avenue looked like in the past when there was a train

*Ali Dennington
413 Surf Road*

Ms. Dennington asked if the Commission could give people a ballpark of how much time the project will take to plan. She said a survey or map from the planner would help. She advised they listen to the public and have discussions on social media.

She said a special exception is great idea instead of changing the zoning and added that she would like to have more restaurants and businesses but is just concerned with allowing a restaurant on top. She also did not feel comfortable with balconies.

*Frank Kofflin
406 1st Avenue*

Mr. Kofflin asked that the Commission consider accessibility. People have to have places to park. He felt the residential combo stuff is a good idea. As long as you restrict what they can do with residential – such a vacation rentals.

Commissioner Runte said he wanted to address something incorrect Ms. Dennington said on the social media site NextDoor. He felt her comments were malicious and disparaging (something he said she does a lot) and instead of reaching out directly to the Commission members, she posted her thoughts on social media.

He then proceeded to read from her post.

“So many more people on the roads so we will probably need to widen the roads, so then the town might implement eminent domain and start taking people’s property subject to just compensation...”

Commissioner Runte said Ms. Dennington is the champion of disparaging, inappropriate, malicious comments on social media – and he suggested she change her approach – and instead sent meaningful emails to the Commission to address her issues.

*Neil Tompkins
2004 Neptune Drive*

Mr. Tompkins said the reason he resigned from the BOA is that it is a frustrating process. There is the cosmetic, architectural part and there is the use and zoning part. You all brought valid issues and we just need to consolidate them as what our goals are.

*Stan Budesá
503 Magnolia Avenue*

Mr. Budesá said he doesn’t know how the Commission puts up with social media stuff and that’s why he can’t be on the Commission.

Mayor Hoover said as we move forward with the discussion and present it to the community, they could collect data on properties in 6B – including the last renovation, so we can have the data and research to provide to residents and businesses. It’s a useful tool to communicate why we are proceeding with this.

Commissioner Quarrie said people get nervous – and asked what ding bat came up with that comment about heights. We should be defining special exception and what it looks like – and then tackle parking.

Mayor Hoover said we are not disagreeing.

Commissioner Runte said if you have an extreme parking requirement you will never have a walkable, bike community.

Town Manager Mascaro said before we can determine that – because it is determined by the type of use – if we have only single family residential – that drives your parking – a two-story commercial building means something else.

She went on to say that before you can tackle parking you must decide what kind of properties you are going to allow and then how manage parking.

Mayor Hoover said getting into a parking discussion too soon will take away from the flexibility for businesses. He said he believes the focus should be on making those businesses more accessible and allowing the opportunity for people to take their bike or golf cart over to safely have pizza or ice cream. People want to be out in the community – but businesses in Town are harder to access – A1A can be harrowing, we need bike racks, etc. Moving forward the consideration we need to make are what restrictions do we want to impose on residential and maybe have conversations with residents. Do we have ability to restrict vacation rentals, etc.?

Immediate next step is look at how do we make those changes with feedback from the Town Planner. He went on to say that from a timeline perspective – the shortest possible timeline would be January after getting feedback from the Town Planner – and if they go forward – we would direct the Town Attorney to draft language – and that may occur in a month –with a first reading in February and then in March, a second reading at which point we could potentially approve it. So, the earliest timeframe to complete this wouldn't be before April 2022.

Commissioner Quarrie asked the Town to put the official zoning map online.

The Town Manager said in regard to Dix Hite – they will get back with her and she will have more information in January.

Commissioner Runte thanked the Town Manager for providing a great overview that guided the conversation - and he acknowledged all the great input from his fellow Commissioners.

The Mayor suggested a workshop in February to discuss the issue more and canceled the January workshop.

11. Staff Reports

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

Town Manager Mascaro said there are several long-standing Town Managers who are leaving their posts. She also advised the Commission that the Parks Board has three

events planned and are doing great. She said the tree lighting feedback was very positive and they are looking to make it even bigger and better next year and perhaps they will add a New Year's Eve family event.

- C. Town Clerk Report
- D. Departmental Reports
 - 1. Building Department

New building official will take on the position. He will work all three days and will know our code, drive our streets. Etc. New building software is also being implemented.

Commissioner Runte said in relation to pools – that water is ground water – it is not chemical water.

Commissioner Quarrie said that water dilutes the lagoon and effects the balance and causes algae. Water being pumped out should be put in a water tank.

Mayor Hoover said the requirement is that you don't have it on the curb so it can dissipate into the ground.

Commissioner Runte said perhaps time limitations should be considered.

- **The Commission added an Action Item related to the pool installation process and limiting the duration to 60-90 days.**

- 2. Public Works Department

In his update PWD Davis said:

- The slab for the new building will be poured next Tuesday
- He thanked Vice Mayor Barton for the beautiful poinsettias at Exxon
- He will investigate solar lights to light up sign and flowers
- The tennis court lights are up and running for under \$13,000 and it looks great. Signs are going up Thursday. Dumpster gates are replaced.
- On Orange and Ash there is still an issue with the water level still and he is convinced it is an underground well but he has not found someone yet to confirm it. Working with Town engineer on that.
- He asked the Commission if they would be open to a nice hard wood paneling on the dais and better countertop - All agreed it could use an update.

Mayor Hoover asked if the Oaks on Oak have a watering plan.

Fire Chief Brown said the Department can help. Mayor Hoover asked if they can create a schedule for watering – weekly would suffice – and said the root base should be replaced and made larger with composted soil.

3. Code Enforcement

4. Police Department

FTO Zachary Martin and Officer Luis Tejeda have been selected as the Officers of the Year.

Commissioner Runte said that he experienced another theft in his truck and wanted to share a reminder to be careful. He said they hit at least 25 cars.

It was noted that Mayor Hoover won the Turkey Trot.

5. Fire Department

Town Manager Mascaro noted that Chief Brown received his State Fire Instructors Certification. The Commission said Chief Brown was doing a great job.

6. Finance Department

Town Manager Mascaro noted that Finance Manager Jennifer Kerr has been out on leave but she is now back on a part-time schedule.

Town Manager Mascaro said she checked all areas and all departments are within what was allowed except equipment maintenance – law enforcement was coded incorrectly and will be adjusted. Everyone managing money well.

Commissioner Runte moved to approve the November Finance Report, Commissioner Walker seconded; Motion carried 5-0.

12. Town Commission Comments

A. General Comments

Vice Mayor Barton reported on a trip she recently took to Tallahassee.

Through the Space Coast League of Cities, the advocacy group for legislation, Vice Mayor Barton took a trip to the State Building in Tallahassee - traveling with two Satellite Beach City officials – City Manager Courtney Barker and Councilwoman Mindy Gibson. They had seven appointments with Senators and House Representatives – and met with two Committee Chair People and their staff and attended two sessions.

She noted that the bills of importance to us as a small town include Senate Bill 620 – which is related to the idea that any kind of Ordinance change the municipality makes can result in being sued by a business who feels they are adversely effected. She hopes it gets defeated because it is written very broadly and there not enough checks and balances. The other Bill of note is HB 349 – which has to do with the process of sea grass

regulation and she felt it was not written well – good points were made but she hopes this bill won't go as written either.

One personal concern, Vice Mayor Barton noted is House Bill 531 presented By Randy Fine which suggest a party designation on the ballot in our small towns. Vice Mayor Barton said she disagreed and did not think it was necessary because we are not into whole political arena as they are at the larger level – we are just trying to run our Town.

She also noted there may be more required financial reporting.

In all, Vice Mayor Barton said it was a jam-packed, good trip and wanted to note that all her expenses for the trip were paid for by the Space Coast League of Cities – not by the Town.

B. Review of Commission Action List

Updates

- Ocean Ave Beautification – update January with Dix Height
- Crosswalks – Update January
- Traffic Stanchions – June 2022 update

Newly Added Action Items

- Golf cart parking and bike rack installation – January 2022
- Investigate pool installation – January 2022

Closed Action Items

- Stop sign placement – will be complete this week (Thursday) – closed

Mayor Hoover wanted to note that that Town does not make a profit on parking tickets – in fact – he said it costs the Town money with officer time, etc. Towns can't make a profit and any revenue goes to the parks.

Town Manager Mascaro said there are new charging companies coming out and installing their own equipment so there may soon be better deals in the arena. She advised it was a good idea to wait and see what incentives there may be to install or pay for them. She also noted that rapid charge is 3-4 times the cost.

PWD Davis said a new parking kiosk has been ordered.

13. Adjournment

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

Meeting adjourned at 9 p.m.


Wyatt Hoover, Mayor

ATTEST:

 5/18/22
Amber Brown, Interim Town Clerk

Regular Town Commission Meeting Minutes from December 15, 2021.

Minutes were approved but not signed.