

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING NOVEMBER 16, 2022 at 6:00 p.m. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

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

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Police Chief Melanie Griswold
Public Works Director Tom Davis
Town Clerk Amber Brown

1. Call to Order

Mayor Wyatt Hoover called the meeting to order at 6 p.m.

2. Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

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

Commission Members Absent

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Police Chief Melanie Griswold
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

Ali Dennington
413 Surf Rd

Ali Dennington spoke about and provided a copy of a draft election contest that she will be filing for all three commissioners.

Walter Hardman
320 Sixth Ave

Walter Hardman spoke about the importance of the dunes and staying off of them. Other municipalities have accesses and dunes marked or roped off.

NEW ACTION ITEM – Investigate options to isolate access to the dunes – Town Manager Elizabeth Mascaro and Public Works Director Tom Davis - January

5. Approval of the Agenda

Vice Mayor Joyce Barton made a motion to approve the Agenda as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

6. Presentations

- A. Recognition of service to the Town presented to the Melbourne Beach Boy Scout Troop 330

Mayor Wyatt Hoover and Town Manager Elizabeth Mascaro presented a certificate of appreciation and recognized each member of the Melbourne Beach Boy Scout Troop 330 who volunteered to fill sandbags for residents in anticipation of Hurricane Ian.

- B. Donation presentation from the Melbourne Beach Volunteer Firefighters Association

Vice President Travis Wood and Member Walter Hardman of the Melbourne Beach Volunteer Firefighters Association presented a check to Fire Chief Gavin Brown in the amount of \$2,129.43 for the purchase of a smoke machine to aid in training scenarios.

A short reception took place

Roll Call

Town Clerk Amber Brown conducted a roll call

Commission Members Present

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

Commission Members Absent

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Clifford Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Public Works Director Tom Davis
Police Chief Melanie Griswold
Town Clerk Amber Brown

7. Consent Agenda

- A. Approval of the Regular Town Commission Meeting minutes September 21, 2022
B. Approval of the Special Town Commission Meeting minutes September 30, 2022
C. Approval of the Regular Town Commission Meeting minutes October 19, 2022
D. Approval of the site plan for 514 Avenue B

Vice Mayor Joyce Barton moved to accept the Consent Agenda as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

8. New Business

- A. Consideration to allow the Palm Bay High School girls volleyball team to use our courts for an hour, two or three days per week from February through April

Town Manager Elizabeth Mascaro spoke about being contacted by Troy White, who is the coach for the Palm Bay High School volleyball team, about the possibility of using the volleyball courts three days a week for their practices.

Further discussion ensued

Mayor Wyatt Hoover spoke about declining to reserve the courts due to the team having other options closer to them and Melbourne Beach has limited facilities. However, the team can still come and share the courts, but the Town wouldn't reserve them.

Item fails for lack of motion

- B. Consideration of single audit and service fee adjustments for James Moore

Town Manager Elizabeth Mascaro spoke about the Federal Government requiring a single audit if the Town receives more than \$750,000, and since the Town received the American Rescue Plan funds which exceeded the \$750,000 it triggered a single audit for that money. The second part of this item is to increase James Moore's fees based on the level of interaction with the Town and the increase in the cost for all expenses. Their audit committee reviewed all of the contracts that they have to see their revenues and if each account is one they want to keep.

Further discussion ensued

***Ali Dennington
413 Surf Rd***

Ali Dennington spoke about reading the letter and it says it is highly unusual, and they already found some problems, and mention budget problems they might find. Ali spoke about in her experience it sounds like there is some bad stuff in there and they are trying to cover themselves. It sounds like the auditors are trying to fire the Town because they want to get out of it, however, if they stay on they see a lot of work here.

Town Manager Elizabeth Mascaro spoke about that not being accurate and that the letter from James Moore does not say that.

Mayor Wyatt Hoover spoke about the letter from James Moore stating the increase is also attributed to the current economic environment that has forced a reassessment of all engagements and consideration of withdrawing from engagements that are not economically viable.

Commissioner Corey Runte moved to acknowledge and approve the change in the contract for the single audit and for the fiscal year 2022 only; Commissioner Marivi Walker seconded; Motion carried 5-0.

Mayor Wyatt Hoover spoke about tabling the service fee adjustment portion to get more information from James Moore.

Jim Simmons
409 Avenue B

Jim Simmons spoke about some points for consideration is whether they are doing work that they consider beyond the scope of the current contract or are they trying to recover costs for items that are in the current contract, and when was the last time they got a raise. Jim Simmons has dealt with the current and previous auditors and before it was a disaster and James Moore was a breath of fresh air. There is a risk when you send things out for RFP which the Town did for the lawn mowing company and ended up with a twenty-five or thirty percent increase. You might get a better deal, but you might not.

Barb Gunther
1903 Atlantic St

Barb Gunther spoke about the letter saying they have spent above-average time researching and assisting with questions outside the scope of the audit, so that might be a basis for what the Town has asked them and could that be minimized.

- C. Consideration of Resolution 2022-12 amending the budget for the fiscal year 2021-2022 related to the use of all carry forwards for all funds

Finance Manager Jennifer Kerr spoke about this resolution being for the carryforward balances from fiscal year 2021 into fiscal year 2022 in the specific funds.

Ali Dennington
413 Surf Rd

Ali Dennington asked how the building department has a carry-over balance because by statute the building department is not allowed to make any money. She spoke about sending in a public records request on this exact issue three months ago and she has not received a response. She has written and will be filing a writ of mandamus on about ten public records requests.

Steve Walters
416 Sixth Ave

Steve Walters asked if the original budget was exceeded, not the budget with all of the switches throughout the year, and if not which departments if any exceeded their budget and what action was taken. This is why he always voted no because now you switch around all of this money to make it look good for the auditors but it's not going to work because they will list the same risks as the previous times.

Town Manager Elizabeth Mascaro spoke about these funds being outside of the operating funds/general fund. These are stand-alone and they do not mingle with

the general fund. We never memorialized what was left over in these funds because the money stays in the fund, so we have to recognize the remaining money that stays in the fund into the next fiscal year because that is how the auditors asked the Town to do it. The general fund was not over budget as it had over six thousand dollars left in it which rolls into reserves.

Vice Mayor Joyce Barton made a motion to approve Resolution 2022-12 for consideration of the budget; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

- D. Consideration of Resolution 2022-13 amending the budget for the fiscal year 2021-2022, amending expenditures for all funds, transfer funds from one fund to another fund to close out inactive funds

Finance Manager Jennifer Kerr spoke about Resolution 2022-13 is to balance within the departments the fiscal year 2022 budget. The Town did not go over the approved budget. This allows us to balance line items within each department that went over with line items that have remaining funds. For example, the public works department line item for building maintenance went over by \$12,000.00, so other line items with remaining money were used to cover that overage. This resolution also includes covering departments that went over their budget and closing out two inactive donation funds.

Mayor Wyatt Hoover spoke about anyone being able to see the detailed accounting monthly in the agenda packets.

Ali Dennington
413 Surf Rd

Ali Dennington spoke about not being able to view packets online until recently. She would ask every Friday for the packet and thanks to her they were finally put online. All this time they could have been online. You couldn't just go online to view them because they never used to be online, and there's not even one at the table here for anyone to look at, so they would have had to make a public records request for it and the Town doesn't like those.

Mayor Wyatt Hoover spoke about towns throughout Florida being sued for ADA issues on their websites and when you have large PDFs that cannot be read by a reader then the Town can get sued. The reason they were taken off the website was to protect the Town from the liability specifically related to the ADA lawsuits that were happening.

Ali Dennington spoke about not believing that. There are other things that are put on the website. She is aware of the ADA lawsuits. There are other things the Town could be sued for and the Town doesn't care about such as public records. Just because you say something doesn't make it true.

Commissioner Corey Runte spoke about the reason Ali Dennington is waiting for public records is that she has submitted so many she has her own line because if

someone else submitted a request you would be all the way at the bottom of her massive public records requests.

Jim Simmons
409 Avenue B

Jim Simmons spoke about the agenda packets being put online for many years and were only taken off when the Town was approached by the Space Coast League of Cities about the Town's liability, so all communities did that to avoid litigation because the person was winning. Things like the site plans are not readable to the audible readers, so the Town took them off the website for a period of time.

Vice Mayor Joyce Barton made a motion to adopt budget Resolution 2022-13; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

9. Staff Reports

A. Town Attorney Report

No additions

B. Town Manager Report

Town Manager Elizabeth Mascaro spoke about the project on Redwood is moving right along. She had a meeting today with DEP as a requirement of the stormwater grants and they were very impressed with all of the things the Town has done. She received a request from a student asking to take a small baggie of sand to test for microplastics.

C. Town Clerk Report

No additions

D. Departmental Reports

1. Building Department

Building Official Robert Bitgood spoke about a lot of remodeling work and new homes being done.

2. Public Works Department

Public Works Director Tom Davis provided photos and spoke about a section of the road collapsing about eight inches over about a sixty-day period at Rosewood and Cherry. He will be meeting with the Town Engineer tomorrow to assess it. The zero-turn mower was delivered and his employee is doing a really good job on the landscaping.

Further discussion ensued

3. Code Enforcement

Building Official Robert Bitgood spoke about working with Bob to get a good process in place and make sure they are working together.

4. Police Department

Police Chief Melanie Griswold spoke about Elf being the next movie in the park, School Resource Officer Bradley read to the second graders, and she explained the speed trailer graphs that are in the agenda packet and when kids are in a low-speed vehicle or golf cart they still need to be in a car seat just like any other vehicle.

5. Fire Department

Fire Chief Gavin Brown spoke about the Haunted House went really well, and teaching fire prevention for sixteen hours over eight days to over 700 kids.

6. Finance Department

Finance Manager Jennifer Kerr spoke about receiving \$11,275.39 for parking revenue in October and \$186,431.21 for fiscal year 2022 which does not include parking ticket revenue.

Commissioner Corey Runte moved to approve the Finance Report as presented; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

10. Town Commission Comments

A. Review of Commission Action Item List

New Action Items

- **Investigate options to isolate access to the dunes** – January

Updated

- **Research potential 140-year celebration events:** Add to the December workshop and invite the parks board - December
- **Permanent Tree Lighting:** Public Works Director Tom Davis spoke about receiving the additional signs but not the hardware, and looking into solar options.

Town Manager Elizabeth Mascaro spoke about someone spray-painted all of the uplighting lenses brown, but public works was able to clean them– January

- **Charging Stations:** Town Manager Elizabeth Mascaro spoke about the feedback she has received that the Town would need to get a fast charger, otherwise, a car would sit there all day long - March
- **Options and costs for live streaming:** Town Clerk Amber Brown spoke about contacting other municipalities to see how they stream and what they use and also reaching out to private companies. This item ties into the upgrades to the audio system that was approved, but not done yet to make sure the systems are compatible - January
- **Sixth Ave boat ramp:** Vice Mayor Joyce Barton spoke about getting in contact with the waterway assistance program that has grants we can apply for including a disaster relief grant.
Commissioner Corey Runte spoke about researching alternative funding options.
Mayor Wyatt Hoover spoke about starting by fixing the seawall and then longer-term getting resident engagement on what they want done - December
- **S.E.A Project:** Town Manager Elizabeth Mascaro spoke about the next big piece is the concept drawings and sidewalks.
Commissioner Corey Runte spoke about getting a quote from our secondary civil engineering company - December

Closed

- **Research options regarding code 7A-55** – Closed

B. General Comments

Vice Mayor Joyce Barton spoke about one of the legislative issues for this session is short-term rentals.

11. Adjournment

Commissioner Corey Runte moved to adjourn; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

Meeting adjourned at 8:40 p.m.

ATTEST:


Joyce Barton, Vice Mayor


Amber Brown, Town Clerk

