

Town of Melbourne Beach

**REGULAR TOWN COMMISSION MEETING
June 28, 2023 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
Town Clerk Amber Brown

1. Call to Order

Mayor Wyatt Hoover called the meeting to order at 6:01 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 Marivi Walker
Commissioner Corey Runte

Staff Members Present

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

Commission Members Absent

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. Meeting Agenda – Additions/Deletions/Changes

**Commissioner Sherri Quarrie made a motion to approve the agenda;
Commissioner Marivi Walker seconded; Motion carried 5-0.**

5. Consent Agenda

- A. Approval of the Regular Town Commission meeting minutes May 17, 2023
- B. Approval of the site plan for 504 Fourth Ave – accessory structure
- C. Approval of the site plan for 306 Avenue B – new home
- D. Reappointment of a Board Member to the Environmental Advisory Board
 - 1. Kelli Hunsucker

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

6. Proclamations/Presentations/Awards

- A. Presentation of a proclamation recognizing May 20th through May 26th, 2023 as National Safe Boating Week

Mayor Wyatt Hoover presented the proclamation recognizing May 20th through May 26th, 2023 as National Safe Boating Week.

7. Finance/Budget Report

Commissioner Sherri Quarrie asked to start including last year's parking numbers.

Vice Mayor Joyce Barton made a motion to accept the finance report as presented; Commissioner Corey Runte seconded; Motion carried 5-0.

8. Department and Board/Committee Reports

A. Public Works Department

Public Works Director Tom Davis provided pictures and spoke about the boardwalk that is being built in Ocean Park, the pier repairs being finished, and the upgrades in Ryckman Park.

Vice Mayor Joyce Barton spoke about adding trash cans to the boardwalk.

B. Building Department

Building Official Robert Bitgood spoke about the building department slowing down slightly now that it is summer.

C. Code Enforcement

Building Official Robert Bitgood spoke about recently hiring a new code enforcement officer.

Town Manager Elizabeth Mascaro spoke about a vacation rental on Colony that notified the Town that they will be switching to long-term rentals.

***Roger Newell
506 Colony St***

Roger Newell spoke about trying to address the safety concerns about that property. Wait and see if it does become a long-term rental.

D. Fire Department

No additions

E. Police Department

Police Chief Melanie Griswold spoke about Founder's Day going well for law enforcement. Next year parking on Avenues A and B will need to be addressed.

Vice Mayor Joyce Barton asked about the speed bumps versus the rumble stripes.

Police Chief Melanie Griswold spoke about the speed bumps working well, but they will need to be extended, so people don't drive around them.

F. Town Clerk

No additions

9. Public Comment (Non-Agenda Items)

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.

10. Public Hearings/Special Orders

11. Unfinished Business

A. Review the boat ramp concept plans

Mayor Wyatt Hoover spoke about adding a small area to temporarily tie your boat while you park your vehicle.

Commissioner Corey Runte spoke about the north side seawall is not in line with the rest. Other than the stormwater drain if there is no other reason he proposed bringing the seawall out to be in line with the others.

Roger Newell
506 Colony

Roger Newell asked if the boat ramp is open twenty-four seven and if there are any provisions for low lighting that would not interfere with the neighbors.

Commissioner Corey Runte spoke about these plans would not include details about lighting, but that is a good point to consider.

Commissioner Sherri Quarrie asked about using solar lights.

Allison Stephens
1508 Pine St

Allison Stephens spoke about not having any issues in the past four years with her new seawall. What is the dock size? What are the setbacks for this area? There is a gazebo inches off the property line. If residents have to follow the rules then so should the Town.

Commissioner Corey Runte spoke about this being only conceptual plans.

12. New Business

A. Consideration of the fiscal year 2023-2024 Fire Rescue Dispatch Services Interlocal Agreement in the amount of \$5,600.00.

Town Manager Elizabeth Mascaro spoke about the updated agreement with Indialantic for Fire Dispatch services has a slight increase of \$200.00.

Vice Mayor Joyce Barton made a motion to approve the fiscal year 2023-2024 Fire Rescue Dispatch Services Interlocal Agreement at the cost of \$5,600.00 annually; Commissioner Marivi Walker seconded; Motion carried 5-0.

B. Consideration of the Chief of Police Job Description

Mayor Wyatt Hoover spoke about this job description being the one that has been used in the past, but there was no formal approval from the Town Commission.

Vice Mayor Joyce Barton made a motion to approve the Chief of Police job description; Commissioner Marivi Walker seconded; Motion carried 5-0.

C. Consideration on limiting plan review submissions to Planning & Zoning Board

Building Official Robert Bitgood spoke about having to bring almost anything exterior alteration-wise to the Planning and Zoning Board. He proposed limiting what is brought to Planning & Zoning to commercial, multi-family, new single-family construction and exterior remodels exceeding 50% of the home value. Things such as gazebos and covered porches would be approved by the Building Official. This would shorten the wait time to get a permit, reduce staff time, and streamline the process.

Mayor Wyatt Hoover spoke about this would modify the current policy to be in line with our ordinance.

Commissioner Corey Runte spoke about over the years more and more has been sent to Planning and Zoning above what our ordinance states. Planning and Zoning is meant to be a special meeting for large projects that need multiple eyes on the plans.

Town Manager Elizabeth Mascaro spoke about previous building officials were contracted, so they might not have had the same drive and outlook on things.

***Roger Newell
506 Colony***

Roger Newell asked about the proposed law requiring a three-day turnaround time for building permits.

Building Official Robert Bitgood spoke about the proposed law did not pass, but the Building Department turns around permits usually within a couple of days which is fast.

***Paul McLaughlin
412 Second Ave***

Paul McLaughlin asked what the Planning and Zoning Board thinks about this. They had to have seen this, so what do they think?

Building Official Robert Bitgood spoke about as residents they have the option of seeing this, but he has not received any feedback from them.

Vice Mayor Joyce Barton made a motion to approve the Building Official signing off on all site plans except for commercial, multi-family, new single family construction, and exterior remodels exceeding 50% of the home value;

Commissioner Marivi Walker seconded; Motion carried 5-0.

D. Consideration of a Memorandum of Understanding for posting legal notices on Brevard County's publicly accessible website

Town Clerk Amber Brown spoke about House Bill 7049 which allows the county and municipal governments to publish certain legal notices on the county's publically accessible website. This MOU would be between the Town of Melbourne Beach and Brevard County to open the option of allowing the Town to post legal notices on the County website rather than pay Florida Today. There are a lot of requirements that go along with it, but this would just open us up to the option. Brevard County will charge a flat rate of \$125.00 per notice, whereas, Florida Today was an average of \$200.00 to \$600.00. Since the ads would be posted on a website the way we submit them is the way they would be posted, so we would not have to worry about any format issues like in the newspaper.

Vice Mayor Joyce Barton asked about what notices can be put online.

Town Clerk Amber Brown spoke about some of the Town ordinances stating the notice will be published in a newspaper of general circulation, so that would need to be updated to allow for online publication.

Town Manager Elizabeth Mascaro spoke about the extremely strict requirements for posting the trim notices and almost every year there has been an issue with it, so this would be a way to ensure the notice was done correctly rather than waiting for the newspaper to come. This year we would post in both places to slowly transition to online postings.

Commissioner Sherri Quarrie asked for clarification on what notices would be posted where.

Town Clerk Amber Brown spoke about first starting with meeting notices for the Board of Adjustments and Planning and Zoning. We would have to post in the newspaper first stating legal notices will be published on the County's website. Right now because it is so new for Trim notices she recommended putting them in both to test it out and see how it goes. This would allow our residents to transition and get used to the change. In the future, if it works out we could transition everything that is legally allowed to the website. We are still working on what notices are legally allowed to be published on the website.

Mayor Wyatt Hoover spoke about approving the memorandum of understanding does not change the fact that parts of our ordinances still require the Town to post in the newspaper. In order to eliminate that in the future the Town would need to go through the process to eliminate that requirement. This would just provide an additional option.

Vice Mayor Joyce Barton made a motion to approve the Memorandum of Understanding for posting legal notices on Brevard County's publicly accessible website; Commissioner Marivi Walker seconded; Motion carried 5-0.

E. Consideration of the 2023-2024 School Resource Officer's Memorandum of Understanding

Town Manager Elizabeth Mascaro spoke about this being the 6th iteration of the SRO Memorandum of Understanding. The students and teachers at Gemini love our SROs.

Police Chief Melanie Griswold spoke about Officer Sullivan going to school in July to be the SRO next school year.

Mayor Wyatt Hoover asked if the amount increased.

Finance Manager Jennifer Kerr spoke about it slightly increasing.

Commissioner Corey Runte made a motion to approve the 2023-2024 School Resource Officer Memorandum of Understanding; Commissioner Marivi Walker seconded; Motion carried 5-0.

F. Consideration of suggested changes to the Land Development Code, Code of Ordinances

Mayor Wyatt Hoover spoke about the background of this item and asked to go through each item one at a time and discuss it.

Town manager Elizabeth Mascaro spoke about this is to allow our businesses to do business. This would allow the businesses to be closer to the road and have parking in the back to add a buffer between the business and the residents behind the business. This would also allow street fronts along the sidewalk. Right now these items are to see if the Commission is interested in allowing the specific items. It is not to go into all the details and requirements related to the item. There are additional items that have not been included in this yet, but if there are any items the Commission would like to add they can do that.

Commissioner Corey Runte spoke about receiving positive resident feedback.

Mayor Wyatt Hoover read each item.

1. Remove the parking requirements for businesses. Require 5 space minimum, 1 handicap, 1 low-speed vehicle, and 1 bike rack to promote a walkable, low-speed vehicle community. – no issues
2. Reduce the width of parking spaces from 10' to 9'. – no issues
3. Approved outdoor seating, with 3 open sides and roof attachment. The roof attachment for outdoor seating will not require setback compliance. – no issues
4. Allow restaurants as a permitted use 6B, 7C, and 8B. – no issues

Mayor Wyatt Hoover spoke about the lengthy process a restaurant needs to go through to be permitted. This would make it easier to get restaurants in Town.

Commissioner Corey Runte spoke about banks not being inclined to loan money for properties with special exception requirements.

5. Remove setback requirements for 6B, 7C, and 8B and use the Florida Building Code setback requirements. – no issues

Mayor Wyatt Hoover asked for clarification on this item.

Town Manager Elizabeth Mascaro spoke about this does not mean there won't be setbacks. The setbacks depend on the type of business and the type of building and what is required for the fire department and building department. There could be additional requirements such as shrubbery.

Commissioner Corey Runte spoke about the setbacks would default to Building Code standards.

6. Allow microbrewery/micro-distillery by special exception in zone 6B, 7C, and 8B. – no issues
7. Allow non-academic instruction (ballet, karate, pottery class, art class, etc.) in 6B, 7C, and 8B. – no issues
8. Allow personal services, professional offices, studios, clinics, health clubs, and fitness studios in 6B and 7C. – include 8B

Mayor Wyatt Hoover asked why 8B is not included.

9. Allow duplexes and townhouses in 8B – strike duplexes but leave townhouses

Commissioner Sherri Quarrie spoke about previous Commissions were trying to keep the historical structures on the west part of Ocean Ave.

Town Manager Elizabeth Mascaro spoke about duplexes already being allowed, so that part can be taken out.

10. In zone 6B, increase the maximum height from 35 to 36 feet to allow for 12-foot ceilings. – no issues

Mayor Wyatt Hoover spoke about unifying 6B, 7C, and 8B. He does not see a strong reason to segregate those zones.

Town Manager Elizabeth Mascaro spoke about the intent for 8B was to be a historical area.

Mayor Wyatt Hoover spoke about having from Pine to the river be a separate zone, but the rest of the business district the same.

Commissioner Corey Runte spoke about keeping this block the way it currently is, but not making it more stringent.

Town Manager Elizabeth Mascaro spoke about a new law that was passed to promote affordable rental properties. The problem is in any commercial or multifamily zone in Town they can come in and do not have to meet any criteria or go to Planning and Zoning or the Town Commission and have three stories. There is nothing the Town can do about it.

Commissioner Corey Runte spoke about this being the Live Local Act and the general summary is local governments must approve multifamily and mixed-use residential developments in any area zoned for commercial, industrial, or mixed-use of any type as long as at least 40% of the units will be affordable for at least 30 years.

Roger Newell
506 Colony

Roger Newell asked if someone could buy the vacant property on Colony and turn it into anything they want. He asked for clarification on zone 8B. Short-term rentals are a blight on our community and we need to figure out how to control them and protect the integrity of the Town. We need stronger representation up in Tallahassee.

Mayor Wyatt Hoover spoke about the residential zones (First Ave and south and Avenue A and north) not being touched, so they will maintain the current status.

Town Manager Elizabeth Mascaro spoke about duplexes are already allowed in zone 8B.

Paul McLaughlin
412 Second Ave

Paul McLaughlin spoke about the code for 8B needs to be strengthened not loosened. At one point it was mentioned to combine all three of the business districts.

Mayor Wyatt Hoover spoke about duplexes in 8B are already allowed, and the Commission does want to see the historic part of Ocean Ave maintained. Through the approval process, specific language will be drawn up and presented to the Commission for approval.

Billy and Allison Stephens
1508 Pine St

Billy and Allison Stephens spoke about loving the idea of looking at zoning. Likes the idea of keeping this part of Ocean Ave historical and the other part for restaurants and businesses. They own the vacant lot on Ocean Ave and were going to work with a couple of other businesses near it to beautify Ocean Ave.

13. Administrative Reports

A. Town Attorney

No additions

B. Town Manager

Met with Frank Abbate, Brevard County Manager, about the issue with funding for the lifeguards.

Town Attorney Clifford Repperger spoke about the Commission may want to watch the County Commission meeting from 5/23/2023 where the County Commission discusses funding the lifeguards.

Commissioner Sherri Quarrie spoke about the issues go beyond just lifeguards. An example is the shooting that happened at Spessard Holland. The County is not supporting the beach at all even from a police standpoint. The Town should not need to take on more and more costs for protection. The County needs to step up and protect the people.

14. Commission Reports

15. Task List

Updated:

Lifeguards – waiting on the County Commission – Corey Runte asked to look into the cost of having our own lifeguard program – September

Street Ends for Kayak Launch – Closed

Parking Stickers – Waiting on the mockup, concept is smaller, circle, one color background, with the year on it – look into why they turn brown – July

Boat Ramp Improvements – look into grant opportunities – August

16. Public Comment

Allison and Billy Stephens
1508 Pine St

Allison and Billy Stephens spoke about wanting to keep it a Town boat ramp. Keep the mentality of it being a kayak launch to everyone outside of the Town. Could make it a neighborhood boat ramp so anyone using it would have to register with the Town first. If we got grant money what does that open us up to? If grant money opens us up to something we don't want then people might want to raise the money instead of losing something. Regarding the concept plans, instead of building a structure, build beaches with trees with some chairs. Keep it simple and small Town and protect the neighbor's privacy. The number one thing people use that area for is the sunset.

Mayor Wyatt Hoover spoke about each grant having different requirements.

Town Manager Elizabeth Mascaro spoke about a grant that was used to repair the pier the only requirement was to install a small plaque.

Roger Newell
506 Colony

Roger Newell asked if there is any way to get creative and play with the numbers to not have to pay the County for lifeguards. Has anyone done any data on the increase in population from here to the inlet?

17. Adjournment

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

Meeting adjourned at 8:29 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Town Clerk



