

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING August 16, 2023 at 6:00 p.m. TOWN HALL TRAINING ROOM 507 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 6:19 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

### **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  
Town Clerk Amber Brown

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

Mayor Wyatt Hoover led the Pledge of Allegiance

## **4. Meeting Agenda – Additions/Deletions/Changes**

Mayor Wyatt Hoover spoke about New Business Item A - consideration of a special event application was withdrawn by the applicant.

**Vice Mayor Joyce Barton made a motion to approve the agenda with the amendment to remove New Business Item A; Commissioner Sherri Quarrie seconded; Motion carried 5-0.**

## **5. Consent Agenda**

- A. Approval of the Special Town Commission meeting minutes July 12, 2023
- B. Approval of the Budget Workshop meeting minutes July 12, 2023
- C. Approval of the site plan for 508 Magnolia Ave – new home

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

## **6. Proclamations/Presentations/Awards**

## **7. Finance/Budget Report**

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

## **8. Department and Board/Committee Reports**

A. Public Works Department

Public Works Director Tom Davis spoke about the work being done in Ryckman Park, landscaping, and the new equipment public works has.

B. Building Department

No additions

C. Code Enforcement

Building Official Robert Bitgood spoke about Code Enforcement Officer Jim Turner doing a great job getting everything caught up and being proactive.

D. Fire Department

Fire Chief Gavin Brown spoke about working on the lifeguard proposals to present at a future meeting.

E. Police Department

No additions

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.

***Steve Walters***  
***416 Sixth Ave***

*Steve Walters asked if he could not comment on any of the department reports or the minutes since they are on the agenda.*

Mayor Wyatt Hoover spoke about allowing the comment, but he would stop it if it was an inappropriate comment.

***Susan Martin***  
***2202 Rosewood Dr***

*Susan Martin asked what the rules are for Airbnbs. They are popping up everywhere. Can anyone just decide to make their home a vacation rental?*

Mayor Wyatt Hoover spoke about how the State Legislature passed a law that prevents the Town from regulating them, so the Town has very little capacity to do anything with them. There is a permit process they have to go through. The Town cannot say who can and cannot have a vacation rental.

Commissioner Corey Runte spoke about the Town doing everything that it can. There is nothing more the Town can do unless the State changes the law.

Commissioner Sherri Quarrie spoke about previous Town Attorney Paul Gougelman advising the Commission in 2009/2010 about this and the Commission decided not to put anything in place. The Town of Indialantic took the attorney's advice and that is why vacation rentals are not allowed in Indialantic

***Frank LaGrassa***  
***412 First Ave***

*Frank LaGrassa spoke against vacation rentals and allowing second kitchens in single-family homes. Melbourne Beach cannot handle any more cars on the streets. People are living in RVs on Avenue A.*

Mayor Wyatt Hoover spoke about the process, requirements, and limitations regarding second kitchens.

Commissioner Corey Runte spoke about the intent of the second kitchen ordinance was to improve the affordability of the aging population and families to be able to keep their aging family members on the same property.

***Ken Lebrato***  
***213 Cherry Dr***

*Ken Lebrato asked what the commission has done to enforce the intent of the second kitchens. Is there an age requirement in order to have a second kitchen?*

Town Attorney Clifford Repperger spoke about the requirement to maintain a homestead exemption if they have a second kitchen.

Mayor Wyatt Hoover spoke about not wanting to prohibit families from existing in a multigenerational way for fear of someone having a vacation rental as part of their home. The trade is that residents can age in place or for grandparents, children, and grandchildren to exist in the same home with some privacy. The trade-off is yes there is an opportunity for individuals who have their property with a homestead exemption to vacation rental the property, but at the same time if that resident could no longer afford to stay in that home they would sell the property and an investor buys in. Then instead of one room or a portion of the home being rented out the entire home is a vacation rental.

Commissioner Corey Runte spoke about vacation rentals must go through a registration process that includes an inspection. Homes with a second kitchen must keep a homestead exemption.

**Haley Conrad**  
**2011 Oak St**

*What is the homestead exemption? How long do you have to be in a home to get a homestead exemption? Asked why the Town could not take the State Statutes about vacation rentals and make them more restrictive. Where are the recent meeting minutes?*

Mayor Wyatt Hoover spoke about a homestead exemption is only allowed on one property and the owner must remain in that home. State Statute sets the requirements for the homestead exemption. State law preempted the Town's ability to write any new laws to restrict vacation rentals.

Commissioner Corey Runte spoke about the State statute that froze any municipality's ability to make any new restrictions on vacation rentals.

Town Clerk Amber Brown spoke about the minutes being on the Town's website after they are approved. Click on the Commission tab, and then for each meeting the agenda, agenda packet, minutes, and recording are posted. The minutes are not verbatim and are posted after the Town Commission approves them.

**Virginia Lerch**  
**222 Cherry Drive**

*Virginia Lerch asked if the Town sets the fees for vacation rentals.*

Town Manager Elizabeth Mascaro spoke about how the Town currently can set the fees, but there was a bill that failed at the last second that would take away even more of the Town's ability to regulate vacation rentals including being able to set the fees. Most likely the bill will be back and will probably pass. In the past, at one point the Town Commission did add restrictions, but when the preemption was passed it dated back before those restrictions, so they were removed. Locally people need to reach out to our State Senator Debbie Mayfield's office.

## **10. Public Hearings/Special Orders**

## **11. Unfinished Business**

## **12. New Business**

~~A. Consideration of a special event application~~ - Withdrawn by the applicant.

B. Consider approving a Mayoral endorsement of the HELPER Act

Mayor Wyatt Hoover spoke about the HELPER Act to aid Florida's police, firefighters, EMTs, and teachers with the lack of affordable housing.

**Commissioner Sherri Quarrie made a motion to endorse legislation to aid first responders; Vice Mayor Joyce Barton seconded; Motion carried 5-0.**

- C. Consider KSM Engineering and Testing to perform the required test to determine the feasibility of the swale being converted into a skate park

Town Manager Elizabeth Mascaro spoke about the agreement and the cost being \$1,200.00.

Commissioner Corey Runte spoke about what the process would involve.

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***Haley Conrad***  
***2011 Oak***

*Haley Conrad spoke about the Geotechnical surveying would be the first step then the civil engineering plan. Has it gone out for RFP yet?*

Commissioner Corey Runte spoke about the different steps of the entire process. These first two items have minor costs so they are not required to go out for RFP. If any step triggers the threshold then it would go out for RFP.

***Adam Meyer***  
***214 Surf Rd***

*Adam Meyer asked what the cost would be to the Town and any insurance implications to the Town, and there would be nothing more that the Town would pay other than from paid parking.*

Commissioner Corey Runte spoke about the insurance is no different than playing tennis or swimming in the ocean. There is no more inherent risk than what currently exists on Town property. For the funds, they will be privately fundraised. The Town allocated \$50,000 from the paid parking towards the efforts for the potential skate park. No taxpayer dollars will be spent.

***Frank LaGrassa***  
***412 First Ave***

*Frank LaGrassa asked if it was to skate around on or if it was for skateboards. Will there be a hearing on it?*

Commissioner Corey Runte spoke about receiving a lot of requests from residents for a skate park, and it would be for all different things including skateboards and skates.

Mayor Wyatt Hoover spoke about there will be several meetings and workshops to discuss it.

***Steve Walters***  
***416 Sixth Ave***

*Steve Walters spoke about the Town's insurance company in the past making the Town remove the mary go round and steps to the pier because they were too dangerous. Is the insurance going to cover a skate park?*

Commissioner Corey Runte spoke about the insurance company will cover it, and Satellite Beach has the same program and there are no issues at all.

**Vice Mayor Joyce Barton made a motion to approve the \$1,200.00 to be spent on the engineering and testing by KSM Engineering and Testing; Commissioner Corey Runte seconded; Motion carried 5-0.**

- D. Consider the proposal from Kane Surveying, Inc. to survey the proposed location for the skate park

Town Manager Elizabeth Mascaro spoke about this being for the skate park in the amount of \$1,800.00 for Kane Surveying to come out and survey the area.

***Virginia Lerch***  
***222 Cherry***

*Virginia Lerch asked if there had been any other alternative requests for that area besides a skate park.*

Commissioner Corey Runte spoke about no other requests that are willing to privately fundraise \$250,000.00. Another project that was discussed was a covered pavilion with picnic tables.

Mayor Wyatt Hoover spoke about the Commission being open to other ideas.

***Frank LaGrassa***  
***412 First Ave***

*Frank LaGrassa asked if the people who want a skate park are from the Town of Melbourne Beach.*

Commissioner Corey Runte spoke about the residents that are for the skate park are residents of the Town of Melbourne Beach.

***Adam Meyer***  
***214 Surf Rd***

*Adam Meyer asked about the fundraising, if it is a group of people are any of the Commissioners a part of the group. Skate parks are very loud and rowdy and typically not right across from homes, so just make sure there is communication with the residents near it.*

Commissioner Corey Runte spoke about the Deffebach family being very much in favor of it and has been asking for it for years.

Mayor Wyatt Hoover spoke about how this would be a small skate park for novice-level individuals.

***Haley Conrad***  
***2011 Oak St***

*Haley Conrad asked if there will be any infrastructure effects by having a skate park such as bathrooms or water fountains, and if so where is the funding for that coming from.*

Commissioner Corey Runte spoke about there still needing to be some exploratory work to be done, but the anticipation is no.

Commissioner Sherri Quarrie spoke about not having a place for kids who are learning to skateboard, scooter, bike, etc. to go. Provide a place for the dare-devil kids to have a place for them to go rather than using the road or ditches. This would also expose the kids to the police more.

Commissioner Corey Runte spoke about people of all ages using skate parks and it is a great amenity for a community by giving them a designated safe place to go.

**Commissioner Corey Runte made a motion to approve the proposal from Kane Surveying for an updated survey of Ryckman Park in the amount of \$1,800.00 as presented; Vice Mayor Joyce Barton seconded; Motion carried 5-0.**

E. Consideration of Resolution 2023-02 - Carryforward Fund Balances to utilize Fiscal Year 2022 to 2023

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR (FY) 2022-2023; AMENDING RESOLUTION NO 2022-08 RELATED TO THE USE OF ALL BALANCE CARRY FORWARDS FOR ALL FUNDS INCLUDING THE GENERAL FUND; AMENDING EXPENDITURES FOR THE TOWN'S GENERAL FUND; ESTABLISHING AUTHORITY FOR THE TOWN MANAGER TO IMPLEMENT THE BUDGET; AND PROVIDING FOR ADOPTION.

Finance Manager Jennifer Kerr spoke about this being the carry forwards, and about an issue where the IRS took a payment that was meant for 2019 and applied it to 2020 and it has been an ongoing issue for three years now. The Town has sent certified mail, certificates of mailing, spent hours trying to call them but they were closed due to COVID. Finally had good communication where they explained the 2020 payment was applied to 2019, so there was a refund from 2019, but a shortfall for 2020.

Mayor Wyatt Hoover spoke about the IRS made an error in 2020, and due to COVID, the IRS was unavailable to correct the issue until recently.

Finance Manager Jennifer Kerr spoke about it has happened again and the Town received a letter stating they took the December 2022 payment and applied it to March 2023. She has already contacted them about this issue and had them move it back.



**Vice Mayor Joyce Barton made a motion to approve Resolution 2023-02 budget amendment; Commissioner Marivi Walker seconded; Motion carried 5-0.**

**13. Administrative Reports**

**A. Town Attorney**

No additions

**B. Town Manager**

Town Manager Elizabeth Mascaro spoke about ongoing projects.

**14. Commission Reports**

**15. Task List**

**Updated:**

**Parking Stickers** –Town Manager Elizabeth Mascaro spoke about the current design not working when you shrink it, but the guest passes have a ghost design and it does work so that will be the best option –September

**S.E.A Project** – At the workshop next week - November

**Sixth Ave Boat Ramp** – At the workshop next week - November

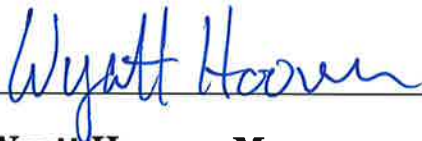
**16. Public Comment**

**17. Adjournment**

**Commissioner Marivi Walker moved to adjourn; Vice Mayor Joyce Barton seconded, Motion carried 5-0.**

Meeting adjourned at 7:37 p.m.

**ATTEST:**



**Wyatt Hoover, Mayor**



**Amber Brown, Town Clerk**



