

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING April 19, 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
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 6:00 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
Building Official Robert Bitgood
Public Works Director Tom Davis
Town Clerk Amber Brown

Commission Members Absent

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. Proclamations and Awards

Mayor Wyatt Hoover presented a proclamation commemorating the 100th Anniversary of the Incorporation of the Town of Melbourne Beach, Florida.

5. Presentations by Special Guests

6. Boards and Committees

7. Public Comments

Jane Waters
312 Sixth Ave

Jane Waters spoke about how Tom and the Public Works Department have done an amazing job. Suggests the Town get signs for the parks for no dogs and include the ordinance and fine amount. Then the law needs to be enforced. That goes for the beach as well.

Public Works Director Tom Davis spoke about putting up signs at the entrances of the park.

Frank Thomas
606 Atlantic St

Frank Thomas spoke about liking the proclamation on the incorporation of the Town, the history of Founders Day and how it started in 1983, the presentation on Ponce De Leon by Bruce Morgan on Founders Day, and the history of tin can tourists.

Allison & William Stephens
1508 Pine St

Allison Stephens spoke about concerns with the new smoke shop in town. William Stephens spoke about not being able to believe there is a smoke shop on Ocean Ave. Are there any regulations the Town looks at before a business starts or is it voted on? What happens if a second smoke shop opens in Melbourne Beach? Allison Stephens asked what goes into Town Planning. Don't you look at what the Town is missing or needs, or what the residents want? They own the lot next to Robburritos and were looking at outdoor seating with food trucks, but it has been difficult. William Stephens spoke about going into the smoke shop and it not having an age limit to go into the shop. He brought in an item that he purchased at the shop. This is what Ocean Avenue is now.

Town Manager Elizabeth Mascaro spoke about the business was vetted by the Town Planner, and that business is a retail business which is allowed in that zone. However, the business cannot have any marijuana derivatives.

Mayor Wyatt Hoover spoke about medical marijuana being prohibited by Town Code, but smoke shops were not included. The Code is being reviewed to help family-friendly businesses, but changes to the Code are a long process.

Town Attorney Clifford Repperger spoke about retail being allowed in that zone.

Commissioner Corey Runte spoke about the Town did not evolve with the times and update the Code enough so a smoke shop was not included as a prohibited use.

Robin Davis
318 Sixth Ave

Robin Davis spoke about being the steward for the Free Little Library in Ryckman Park. It has been open for about three weeks and it has gone through 425 books that have been donated. It is important and she is very thankful for the opportunity. On May 13th at 9:30 am there will be a ribbon-cutting ceremony. It has taken a lot of teamwork to get it up and running, but it has been a great thing for the community.

Kate Wilborn
502 Second

Kate Wilborn asked about the flooding and stormwater at Second and Pine. The primary safety should be public safety. The original construction was faulty and should have been fixed back then. Communication is key and every household has an email that the Town could notify residents when things come up. Government moves as fast as they want to go.

Judy Baker
419 First Ave

Judy Baker asked about the situation between Waste Pro and Waste Management.

Mayor Wyatt Hoover spoke about being in the middle of the contract with Waste Pro, so there is no discussion on their contract. Waste Pro is required by their contract to notify the Town of any fee adjustments which is what is on the agenda. Next year is when the contract is up, so that is when it will be up for discussion.

Frank Lagrassa
410 First Ave

Frank Lagrassa spoke about liking Waste Pro and agrees with what Kate Wilborn said. He has seen special interest politics destroy communities.

8. Approval of the Agenda

Vice Mayor Joyce Barton made a motion to approve the agenda as presented and adding the walk-on item of a special event permit under new business; Commissioner Marivi Walker seconded; Motion carried 5-0.

9. Consent Agenda

- A. Approval of the Town Commission Workshop meeting minutes March 1, 2023
- B. Approval of the Regular Town Commission meeting minutes March 15, 2023
- C. Approval of the Town Commission Workshop meeting minutes April 5, 2023
- D. Notice of fee adjustment from Waste Pro in accordance with the contract
- E. Notice of proposed increases from the City of Melbourne for water and wastewater in accordance with the contract

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

Commissioner Corey Runte spoke about the misinformation that has come out about item D notice from Waste Pro. This item is only a notice from Waste Pro advising the Town that they have increased their fees.

Mayor Wyatt Hoover spoke about the notice from Waste Pro provides details as to why their fees have increased.

Town Attorney Clifford Repperger spoke about the City of Melbourne rate adjustment that was passed by the City Council on the first reading on April 11th. The second reading will be on April 25th.

10. Public Hearing

11. Old Business

A. Consideration of the proposal for an electric car charging station

Town Manager Elizabeth Mascaro spoke about the new quote is only slightly different than the previous one.

Commissioner Corey Runte spoke about this not being a good investment for right now since the Town is working on the S.E.A. project.

Vice Mayor Joyce Barton spoke about agreeing with Commissioner Runte to put this off for right now and that a mid-level charger would not provide enough of a charge unless you had hours to wait.

Commissioner Sherri Quarrie spoke about this being for the public from the Town. This does not have to do with individuals getting a personal charger.

Failed for a lack of a motion

B. Consideration of directing the Town Manager, Town Planner, Town Attorney, and Building Official to review and propose changes to the Town Code of Ordinances related to food trucks and restaurants

Town Manager Elizabeth Mascaro spoke about the prevalence of food trucks has increased. Under our code, food trucks are considered restaurants which are only approved by exception only. She would like to get with the Town Planner, Town Attorney, and Building Official to review regulations and propose any changes. Florida Building Code does not include food trucks as a restaurant. She proposed taking food trucks out of restaurants.

Mayor Wyatt Hoover spoke about a lot of Codes that have not been reviewed or revised in a long time. This is one of them. In 2021 the State of Florida pre-empted municipalities from being able to license and permit food trucks, so our Code is now in conflict with State Law.

Commissioner Sherri Quarrie spoke about going by an out-of-business gas station that has food trucks that have been there for two years. If a food truck does not move it is not mobile. She is concerned about putting our local businesses out of business. Would like to include looking at their signs.

Town Attorney Clifford Repperger spoke about the Town cannot prohibit food trucks, but they can regulate them in many ways. This agenda item would allow him and Town Staff to start looking into this. This would be looking at every facet related to food trucks. One example is North Miami which defines them as an accessory structure.

Vice Mayor Joyce Barton spoke about how she sees food trucks as something that is there for a few hours or for a special event only, or allow them for a few hours on the weekend. They should not be permanent.

Commissioner Sherri Quarrie asked about the alcohol aspect.

Commissioner Marivi Walker spoke about open containers being allowed in Melbourne Beach.

Commissioner Corey Runte spoke about his concerns being duration and proper disposal of grease and waste. People love food trucks so we may need to be open-minded. It's great that we are being proactive. Why does the Town require a special exception for restaurants?

Mayor Wyatt Hoover spoke about bringing a few examples from other municipalities. Then the Commission can review and provide feedback.

Commissioner Sherri Quarrie spoke about the residents that live behind what used to be Robburritos not wanting the restaurant odors.

Jim Simmons
409 Avenue B

Jim Simmons suggested this be an action item and put it on a workshop agenda. Seriously think about the requirement for food trucks by special exception only because that allows the Town to regulate it. The Town is a residential Town, and the residents have a right to not have a late-night restaurant with music and lights open late in a retail area when restaurants are not allowed in Town except by exception only.

Frank Lagrassa
412 First Ave

Frank Lagrassa spoke about agreeing with Jim. He asked for clarification on what the Town Attorney Clifford Repperger said about the States preemption. If the Town does nothing how many food trucks could be on Ocean Ave.

Town Attorney Clifford Repperger spoke about under the current code, food trucks are considered restaurants, which are only allowed by special exception. The State preemption does not allow the Town to prohibit food trucks.

Commissioner Corey Runte spoke about not noticing a food truck problem.

Commissioner Sherri Quarrie spoke about disagreeing because right now food trucks are only allowed by special exception. If that goes away the Town would be open for all food trucks. Put this on a workshop agenda to get resident feedback.

Town Attorney Clifford Repperger spoke about open containers are not allowed within Town Parks, or within twenty feet of the dune.

Vice Mayor Joyce Barton made a motion to direct the Town Manager, Town Planner, Town Attorney, and Building Official to review changes to the definitions in the Town Code of Ordinances related to food trucks and restaurants and suggest possible regulations around the operation of food trucks; Commissioner Marivi Walker seconded; Motion carried 5-0.

12. New Business

A. Consideration of the proposal to repair the pier

Public Works Director Tom Davis spoke about damage to the pier from the fall storms. At this point, the pier has been completely renovated. The structure is weakened, so this is a quote from the company that has done significant work on the pier. He asked to do sole source because of the company's familiarity with our pier, and it is very difficult to get dock work done, the company proposed a three-week turnaround time. We are approaching hurricane season.

Town Manager Elizabeth Mascaro spoke about it being in the water there are a lot of requirements to do the work and this company has provided a letter addressing the issues to assure us they can meet all of the criteria so FEMA can accept the work.

Commissioner Corey Runte spoke about this being a fair quote and qualifies for a single source.

Commissioner Corey Runte moved to waive the requirement for three bids due to the reasons previously mentioned in the discussion; Commissioner Marivi Walker seconded; Motion carried 5-0.

Vice Mayor Joyce Barton moved to proceed with the pier repairs as proposed by Land and Sea as a sole source provider for the amount of \$7,150.00 which includes materials and labor; Commissioner Marivi Walker seconded; Motion carried 5-0.

B. Consideration of the proposed contract for a conceptual site plan for the boat ramp

Town Manager Elizabeth spoke about this is what was discussed in the workshop and the importance of getting a site plan to go out for grants.

***Kate Wilborn
502 Second***

Kate Wilborn spoke about this being government acting quickly. Is the boat ramp going to be larger? She loves the idea of making it beautiful and a showpiece, but if you make it bigger more people will come.

Mayor Wyatt Hoover spoke about appreciating the concerns. This is not making it bigger or like a county boat ramp, but to make it safer and friendlier to launch kayaks and paddleboards, more gulf cart parking, and fewer trailers.

Commissioner Corey Runte spoke about spending \$850.00 to get the plans done to start applying for grants to get a better-looking ramp.

Kristi Larson
1507 Pine St

Kristi Larson spoke about taking away the parking will just have more people park along Sixth Ave. How are you going to keep them off Sixth Ave? Are they allowed to park their truck and trailers along the street? If you go on the weekend there are large boats launching. It has become a major thoroughfare for boats.

Mayor Wyatt Hoover spoke about this being the start of the discussion and they will be looking into parking.

Commissioner Corey Runte spoke about this being the first step to getting conceptual plans.

Vice Mayor Joyce Barton moved to review and consider the proposed contract for the conceptual site plan for the boat ramp from Bowman Consulting in the amount of \$850.00; Commissioner Marivi Walker seconded; Motion carried 5-0.

C. Consideration of the proposed Town Commission meeting agenda outline

Vice Mayor Joyce Barton spoke about bringing this as an agenda item. This would allow staff and Boards to provide their report and then leave. She has done a lot of research on other municipalities and most of them follow a similar layout.

Commissioner Sherri Quarrie asked why the public comment is items 8 and 15.

Vice Mayor Joyce Barton spoke about item 8 is for public comment not on the agenda. Many municipalities save public comment for last instead of having public comment on every agenda item, and item 15 would give the public one last opportunity to say something after hearing everything.

Town Attorney Clifford Repperger spoke about Chapter 286 has a provision that when you are making decisions the public will have a reasonable opportunity to be heard. The way the Commission currently conducts its business in passing motions and allowing public comment on those motions is a good process.

Commissioner Corey Runte spoke about the intent was to be more efficient by rearranging things.

Mayor Wyatt Hoover spoke about proposed items 1 and 2 combine the current numbers 1, 2, and 3. He recommended keeping the current numbers 1, 2, and 3.

Vice Mayor Joyce Barton spoke about changing the name of the action items to long-range planning updates or something similar because the Commission is not taking action on them. Other municipalities call their agenda items action items because you are taking action on them.

Town Attorney Clifford Repperger read Florida State Statute 286.0114(2.) He spoke about not having to provide public comment after every item, but historically that is what the Commission has done.

Commissioner Sherri Quarrie spoke about having department and board reports earlier allows those individuals to leave sooner. This would not take away anyone's right to comment on anything on the agenda.

Vice Mayor Joyce Barton spoke about not taking away the right for public comment, but it would take away public comment after every single item.

Commissioner Marivi Walker spoke about keeping the current numbers 1, 2, and 3, allow public comment after each item to get an immediate public response, and rearranging it to allow staff to leave earlier, not sure about the last public comment unless that was to just add an additional opportunity for public comment.

Commissioner Corey Runte spoke about having the same comments.

Mayor Wyatt Hoover spoke about comments on individual items have helped the Commission. The incidences that have caused issues are rare and the good that comes from public comment outweighs the bad.

Vice Mayor Joyce Barton spoke about having additional public comment at the end.

Jim Simmons
409 Avenue B

Jim Simmons spoke about the original intent of the action items was to assign tasks to staff. It's not just long-term planning. The action items were a tracking system so things were not forgotten. He sympathizes with the public comment issues, but it is important. It is very difficult, but during the 3 minutes allow the person to talk then after the 3 minutes, the Commission can comment.

Mayor Wyatt Hoover spoke about renaming action items to assignment updates, leave new business as new business, prefers unfinished business to old business, and leave the original items 1, 2, and 3.

Town Manager Elizabeth Mascaro spoke about calling action items task list.

Several Commissioners agreed with calling action items task list.

Commissioner Corey Runte summarized the discussion. Rearrange things for efficiency and save staff time, increase public comment by adding a section at the end for any additional public comment, and rename a couple of things.

Jan Futch Guilbeau
806 Oak St

Jan Futch Guilbeau asked for clarification on when the public can comment on specific items on the agenda.

Mayor Wyatt Hoover spoke about public comment related to items up for a vote will stay the same. The public will continue to be able to comment on every item that has a vote.

Steve Walters
416 Sixth Ave

Steve Walters spoke about not caring about what other municipalities do, it sounds like Vice Mayor Barton does not want to hear what people have to say about how the Commission is spending taxpayer's money, and that is wrong. There is already a clock. Why does this need to be changed it has worked perfectly for years. We cannot say what we want to say at the beginning of the meeting. He is opposed to repressing the people's right to speak when they are here. This is a small town and people want to comment on things that are important to them. Not a single person is in favor of the Sixth Ave boat ramp project.

Commissioner Corey Runte spoke about the proposed changes would increase the public's ability to comment.

Commissioner Sherri Quarrie spoke about some residents come with one thing on their mind and some residents stay and find out other information that is important to them. Having department and staff reports before public comment would allow everyone to hear updates from the staff that are important to people.

Mayor Wyatt Hoover spoke about the 3-minute time limit is in place so not all of the meetings last until midnight. It is at the discretion of the Mayor on how to run the meeting as he/she sees fit. When a resident presents productive, useful, insightful comments or questions it is at the Mayor's discretion to engage that individual or allow the Commissioners to engage that individual which would naturally extend the time that the person will be up there. If an individual comes to present simple complaints or not useful comments then it is also at the Mayor's discretion to limit that time to 3 minutes.

Brenda Wallinger
204 Shannon

Brenda Wallinger asked how she could get the agenda packet. She has questions about Code Enforcement, so what is a good resource for that?

Mayor Wyatt Hoover spoke about the agenda packets being on the website, and that public comment on agenda items must be related to that specific item. General public comment was at the beginning of the meeting. All of the Commissioner's email addresses are on the website and they do respond to emails.

Building Official Robert Bitgood spoke about the code enforcement position being vacant, so the building department is overseeing it. Any questions or comments can be brought to Town Hall, emailed in, or submit them on the website.

Vice Mayor Joyce Barton spoke about her research into other municipalities was to do just that and be thorough. The proposed agenda layout was primarily taken from the Town's current resolution.

Town Attorney Clifford Repperger spoke about after the Commission has made a decision then a resolution will be made and presented.

Mayor Wyatt Hoover proposed a motion to accept the proposed agenda with the following changes: replace proposed items 1 and 2 with existing items 1, 2, and 3, push the remaining items down 1 number, and modify proposed item 14 to task list, which would become item 15.

Vice Mayor Joyce Barton made a motion to accept the proposed motion; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

D. Consideration of a special event permit application

Mayor Wyatt Hoover spoke about the details of the special event permit.

Commissioner Corey Runte moved to approve the special event permit as presented; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

13. Staff Reports

A. Town Attorney Report

No additions

B. Town Manager Report

Town Manager Elizabeth Mascaro spoke about wrapping everything up for Founders Day, hosting the Brevard County Managers luncheon, and doing a lot of training with the new Town staff.

C. Departmental Reports

1. Building Department

Building Official Robert Bitgood spoke about the building department is very busy.

Commissioner Sherri Quarrie asked about the details of the process that is being changed by the State.

Building Official Robert Bitgood spoke about a House Bill that changes the amount of time you have to review a permit. It will put a lot of pressure on the building department.

2. Code Enforcement

No additions

3. Public Works Department

Public Works Director Tom Davis spoke about the upgrades in Ryckman Park.

Vice Mayor Joyce Barton spoke about the old Post Office looks great.

4. Police Department

Commissioner Sherri Quarrie asked if the beach patrol, which starts March 1, could start sooner. Can they go into the County's jurisdiction by Spessard Holland? Maybe open up a discussion with the County about that.

Town Manager Elizabeth Mascaro spoke about Chief Griswold attending a Breakers Homeowners Association meeting.

Commissioner Marivi Walker spoke about receiving very positive feedback from residents of the Breakers about that Homeowners Association meeting.

5. Fire Department

Town Manager Elizabeth Mascaro spoke about Chief Brown still being involved with getting Lifeguards full-time at Ocean Park. She received the statistics from Chief Brown: From North Spessard Holland to Ocean Park there have been 22 rescues, 5 at Spessard Holland, and 17 at Ocean Park. A rescue means the swimmer was assisted back to shore with the physical help of a lifeguard. There have been 300 preventative actions, which means the lifeguard whistled or swam out and back with the person without assisting them. Zone 5, which is Paradise and the Boardwalk there, has had 4 rescues and 250 preventative actions.

Vice Mayor Joyce Barton asked for the statistics to be emailed to them.

6. Finance Department

Town Manager Elizabeth Mascaro spoke about being in the sixth month of the fiscal year, so the target is 50% and we are at 47.5%.

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

7. Town Clerk

No additions

D. Town Commissioners

Commissioner Sherri Quarrie thanked the Police and Fire Department for helping her son-in-law. He is doing much better.

Vice Mayor Joyce Barton spoke about being the voting delegate for the Space Coast League of Cities, and Commissioner Corey Runte being the alternate. She was appointed to a committee to create a handout for the League, which is now done. If anyone would like a copy, she can make copies of hers because it is not online right now. Melbourne Beach and Indialantic are the hosts for the May Space Coast League of Cities dinner.

14. Action Items

Closed

- **Order of Agenda – Closed**
- **Town Newsletter** – Town Clerk Amber Brown spoke about the newsletter being completed and will be going out in the next few days. It will be two pages of 11 by 17 paper. - **Closed**
- **Car Charging Stations** – Add this to the S.E.A Project - **Closed**

Updated

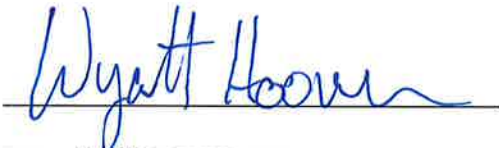
- **Lifeguard Coverage** – Next month
- **Parking Stickers** – Town Manager Elizabeth Mascaro spoke about notifying everyone that comes in that it will be switching to a yearly sticker, the new sticker will be smaller and have a solid color with the year. Bring a draft of the sticker - June

15. Adjournment

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

Meeting adjourned at 8:50 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Town Clerk

